THE

ANTI-JACOBIN

Review and Magazine,

&c. &c. &c.

For JULY, 1805.

Formam vero, et inſtitutum operis ſic mihi definivi, ut ea præcipuè attingerem, quae ad ſanitatem ſinceritatemque lectionis pertinerent.

BENTL.

ORIGINAL CRITICISM.

The Hiſtory of Scotland, from the Union of the Crowns on the Acceſſion of James VI. to the Throne of England, to the Union of the Kingdoms, in the Reign of Queen Anne. The Second Edition corrected. With a preliminary Diſſertation on the participation of Mary, Queen of Scots, in the Murder of Darnley. By Malcolm Laing, Eſq. 4 Vol. 8vo. Mawman, London; Conſtable and Co. Edinburgh. 1804.

THE firſt edition of this hiſtory of Scotland, in two volumes 8vo. was publiſhed in 1800, and reviewed by us, at conſiderable length, in our ninth and tenth volumes. In his preface to that edition, the author, regarding his hiſtory as a continuation of Robertſon's, promiſed "to add, in a preliminary, or rather intermediate volume, an hiſtorical diſſertation on the participation of Mary, Queen of Scots, in the murder of her huſband." The promiſe then made is now fulfilled; or, to ſpeak more properly, Mr. Laing's performance has exceeded his promiſe. For, inſtead of one preliminary or intermediate volume, he has given us two. "The ſubject," he ſays, "has unavoidably extended to two volumes, as I did not chooſe by retrenching the Appendix, to deprive my argument of illuſtration or proof. But I truſt, that the reader will be better pleaſed to poſſeſs the *evidence of the Queen's guilt* entire, than to be referred to authorities which are not always admiſſible, and which few, perhaps, would be diſpoſed to conſult."

In this ſhort intimation, it will be obſerved, Mr. Laing pays both himſelf and his readers a very handſome compliment. For himſelf he aſſumes, with complacent confidence, that his proofs of Mary's guilt are incontrovertible, and for his readers, that they will take pleaſure in ſeeing that guilt eſtabliſhed. But we are rather inclined to think that the author is a little too ſanguine with regard to both the points here taken for granted. The fact of Mary's guilt or innocence Mr. Laing has left juſt where he found it. To the evidence indeed he has added very little, and nothing at all of conſequence. He has, therefore, no title to talk, as he uniformly does, as if he had put an end to the controverſy. With reſpect to his readers, or the public, at large, we know not why Mr. Laing ſhould preſume that to find Mary guilty will afford them pleaſure. All have not adopted this author's prejudices in favour of hypocriſy, faction and rebellion; nor are all the ſlaves of that rancorous malignity with which he purſues the houſe of Stuart. There are perſons, who, at all times, take greater delight in contemplating the bright than the dark ſide of human nature, and to whom the moſt horrid authenticated crimes even of Kings and Queens yield no ſatisfaction. Although this is not, we are well aware, the diſpoſition of certain cold-blooded philoſophers, who, beſides, regard Kings and Queens as monſters, the bane and curſe of civil ſociety; it is yet, we are perſuaded, the genuine diſpoſition of the *Britiſh public*. The far greater part, therefore, of our author's readers will, we doubt not, be of opinion that *we* think of them much more honourably than *he* does, when we ſuppoſe they would be *much leſs pleaſed* to find evidence of Mary's guilt than of her innocence.

Mr. Laing obſerves that, "Leſly's Defence of the Honour of Mary," and "Buchanan's Detection of her Guilt," the oldeſt publications on the ſubject of this controverſy, "were differently received according to the prejudices and political diſputes of the times." The authority of Buchanan was followed by Thuanus; that of Leſly by Camden. This circumſtance itſelf, our reader will obſerve, is no contemptible argument in favour of Mary; for which of the two had the beſt opportunity of knowing the truth, Thuanus or Camden? The anſwer is plain: and, therefore, in a ſubſequent part of his book, Mr. Laing labours hard, but without ſucceſs, to invalidate the credit of the Britiſh hiſtorian. "The queſtion afterwards," ſays Mr. Laing, "continued dormant, till revived by the *Jacobites*," (P. 2.) a ſet of men, we doubt not, conſidered by our author as extremely worthleſs, though he cannot deny them ſome "literary talents." But is it, we aſk, of any conſequence, in this diſpute, by whom it was revived? No: but Mr. Laing, for a moment, forgot that, though there was a time when the term *Jacobite* had an evil ſound, it is now merely "vox et præterea nihil." His introduction of the word is one of thoſe little arts by which he, now and then, tries to prejudice his readers. The "*impartial reaſonings*," however, of Hume and Robertſon, our author informs us, "ſeemed for a time to

to decide the controverſy, till the arguments of Keith and Goodall were reſumed by a ſeries of new apologiſts." Stuart's hiſtory he tells us, was "written from motives of perſonal hoſtility to Robertſon." This may, for aught we know, be true; but, whether true or falſe, it is nothing to the purpoſe. The motives of Stuart affect not the truth or falſhood of his narrative; and Robertſon would have more effectually guarded his own reputation as a faithful hiſtorian by confuting Stuart than by affecting to deſpiſe him. The inference which ſuch a conduct naturally ſuggeſts is obvious. It even obtrudes itſelf, with violence, on the mind. To Mr. Tytler he made, indeed, a ſort of reply, after that ingenious writer was no more. In a new edition of his hiſtory he endeavoured to obviate no fewer than *three* of Tytler's objections. With regard to Mr. Whitaker, his conduct was ſtill more extraordinary. "The doctor, I hear," ſays that very able and impreſſive author, "is ſo little diſpoſed to *refute* the vindication, that he has declared his reſolution not to *read* it. He is thus practiſing the arts of generalſhip, which many a veteran has been obliged to practiſe before him. Warburton particularly, when he found himſelf attacked by Lowth, ſimilarly refuſed to read what he feared he could not anſwer; and, with a child's ſimplicity of cunning, imagined he ſhould eſcape the lightning of his adverſary's wit, by ſhutting his eyes to the light, and evade the thunder of his adverſary's argument, by ſtopping his ears to the ſound." (Whit. Advert. to Ed. 2. p. xviii.)

Mr. Laing acknowledges (p. 3.) that, on the ſubject of this controverſy, "few diſcoveries are now to be made." Of courſe the peculiar merit of his diſſertation muſt ariſe from his manner of placing before the reader ſuch facts as are already known. He adheres, he ſays, to "a method which, on former occaſions, *he has found ſucceſsful.*" On what former occaſions the author was ſucceſsful he has not informed us, and we pretend not to know. But his preſent arrangement is ſufficiently comprehenſive and methodical. He divides his diſſertation into ſeven chapters, of which the firſt three are hiſtorical, and the laſt four critical. We ſhall ſtate the ſubjects of them in the author's own words.

"1. The facts that preceded, 2. Thoſe which ſucceeded, the murder of Darnley. 3. The conferences at York and Weſtminſter. 4. The letters from Mary to Bothwell. 5. Her ſonnets. 6. The contracts of marriage between them. 7. The confeſſions and judicial depoſitions of thoſe who ſuffered for her huſband's death." (P. 3.)

Mr. Laing's impartiality may be fairly eſtimated from the very firſt paragraph of his firſt chapter. This paragraph is of ſo extraordinary a nature that we think ourſelves obliged to inſert it entire.

"It is *neceſſary* to premiſe that in addition to perſonal charms and accompliſhments, every moral and every mental qualification *has (have* certainly) been aſcribed to Mary; in order that her innocence may be the better deduced from the ideal perfection with which her character is *ſo gratuiſ-*

ously inveſted. *But* the court of Henry II. was the moſt diſſolute, as well as the moſt refined in Europe. Gallantry and licentious intrigues were the prevailing vices; and in France, as well as in Scotland, aſſaſſination was a frequent and familiar crime. The early education of Mary under her uncles and Catherine of Medicis, at a court which produced ſuch flagitious characters as Charles IX, Henry III. and Margaret of Anjou, among perſons who projected the maſſacres of Paris, can give us *no aſſurance of a mind utterly incapable of thoſe crimes which have been laid to her charge.* At the ſame time, it would be no leſs unjuſt to indulge a *previous ſuſpicion of her guilt*, than improper to deduce a *preſumption of her innocence*, from her education in a profligate and luxurious court." (P. 4.)

The apparent candour, and real artifice, of this curious paſſage muſt ſtrike every reader. While the author profeſſes to abſtain from inſinuating a *previous ſuſpicion* of Mary's guilt, his object is evidently to inſtil ſuch ſuſpicion. He is, therefore, careful to tell us that moral and mental gratifications are aſcribed to Mary *gratuitouſly*; and that the court where ſhe was educated was the moſt diſſolute and profligate in Europe. Mr. Laing well knew the conſequences which many perſons would draw from this repreſentation. But, fortunately for Mary, Mr. Laing will not be able to perſuade the world that either her moral or mental qualifications have been exaggerated. From the genuine productions of her pen, we know that her abilities were equal to thoſe of the moſt accompliſhed characters of the age. And, from the teſtimony of her enemies as well as of her friends, we know that her morals were not corrupted by her French education. For a conſiderable time after her arrival in Scotland, her conduct obtained univerſal praiſe; and it was not till a deſperate faction of rebels had ſucceeded in their ſchemes, that an attempt was made to blaſt her reputation. The author, however, aſſures us that the reflections contained in this introductory paragraph were *neceſſary to be premiſed.* The *neceſſity* for making them we do not perceive. But we ſee in them ſome things exceedingly like nonſenſe. Mr. Laing gravely tells us that Mary's education "can give us no aſſurance of a mind utterly incapable of thoſe crimes which have been laid to her charge." Is Mr. Laing acquainted with any education that can give us ſuch aſſurance? With equal wiſdom, we think, he warns us that it would be "improper to deduce a preſumption, of her innocence from her education in a profligate and luxurious court." The warning, in our opinion, was very needleſs; for we know not who would draw ſuch a preſumption from ſuch a ſource. The truth is, that Mr. Laing is endeavouring to prepoſſeſs our minds againſt the unfortunate Queen at the very moment that he diſclaims ſuch intention. This attempt, however, though not ill imagined as connected with the end which he had in view, is not more inſidious in the deſign than weak in the execution.

In the ſame ſpirit of candour, our impartial author, in the very next page, enumerates among thoſe accompliſhments of Darnley with which Mary became enamoured, his "robuſt ſtature." The hint

hint is very intelligible. But though Mr. Laing gives the Queen no credit, except for ſenſual motives, her marriage with Darnley was dictated by ſound political maxims; and, had that young nobleman poſſeſſed a mind at all correſponding to the graces of his perſon, it muſt have been happy. But of his marriage, ſays our author, "her Proteſtant nobility generally diſapproved." (P. 5.) Murray, it is certain diſapproved of it; but he would have equally diſapproved of every other. That ambitious baſtard had long aſpired to his ſiſter's crown; and, in conjunction with Elizabeth of England, had entered into a nefarious plot for harraſſing and ſubverting her government. Mr. Laing ſees no ambition in Murray. But his ſchemes were very early laid, ſo early as previous to Mary's departure from France. Mr. Tytler has traced them with minuteneſs, and expoſed them with ſuch clearneſs of evidence that, when we ſee the Queen of England in a league with the moſt truſted of Mary's ſubjects to effect the ruin of that injured princeſs, we no longer wonder at the events which enſued.

The firſt great incident to which Mr. Laing adverts is what was denominated, the "*Raid* of *Beith*," which was important in its conſequences. In 1565, ſome time before Mary's marriage with Darnley, a convention of the eſtates was to meet at Perth. From this convention Murray abſented himſelf, under pretence of ſickneſs; but really becauſe, as he alleged, he was informed that Darnley had laid a plot for his life. On the other hand, Mary affirmed that, in order to prevent her marriage, Murray had formed an aſſociation of which the object was to ſeize her and Darnley on their return from Perth, at the Kirk of Beith, to impriſon the former in the caſtle of Lochlevin, to murder the latter, or to ſend him priſoner to England. Dr. Robertſon conſiders both plots as real, while our author conſiders them as "premature or falſe alarms." But whatever credit may be given to Murray's accuſation of Darnley, there can be no doubt of the reality of his own conſpiracy. Of this no better evidence can be required than what is told by the Engliſh reſident Randolph, who entered deeply into all the deſigns of Murray and his faction. In a letter of the 2d of July he tells Cecil: "The queſtion hathe byne aſked me, whether yf theie (Lennox and Darnley) were delivered us into Barwick, we wolde receave them. I anſwered, that we coulde nor wolde not refuſe our owne, *in what ſorte ſoever theie came unto us.*" (Keith, 290): that is, as Tytler has properly explained Randolph's words, *dead or alive.* The iſſue of this conſpiracy was, that Murray and his adherents were expelled the kingdom; but they ſoon returned, and took ample vengeance on their ſovereign for their preſent diſgrace.

Mary, in the mean time had married Darnley, who was, indeed, moſt unworthy of the preference with which ſhe honoured him. "His diſpoſition," as Mr. Laing obſerves, "was vain, capricious, ungrateful, vindictive, and inſolent." (P. 8.) A parliament had been ſummoned againſt the beginning of April, in which Murray and

his companions would have been attainted. This ſtep was by all means to be prevented; and it was prevented by the moſt brutal outrage which was ever offered to a ſovereign. The Earl of Morton and Secretary Maitland, Murray's ſteady friends, engaged in a new conſpiracy, which was executed under the auſpices of the weak and deluded King. After mutual articles had been ſubſcribed, of which one was the inſtant return of the exiled Lords, on the 9th March, the avenues of the palace were occupied by a body of armed men conducted by Morton, Lindſay, and Ruthven. This laſt mentioned nobleman, attended by ſome more, then ruſhed into the Queen's private apartment, and in preſence of Darnley, ſtabbed her Italian Secretary, David Rizzio, to the heart, even while he ſought protection from the Queen's own perſon. The rebel Lords returned next day; and a proclamation is iſſued in the King's name to prevent the meeting of Parliament.

Mr. Laing does not pretend to juſtify this horrid combination of treaſon and murder; but he gives it ſuch a colouring as is moſt favourable to the conſpirators. "The preſervation of the baniſhed Lords," he ſays, "of their own power, and of the Proteſtant religion, was their profeſſed, and *undoubtedly* their real motive," (P. 9.) That they were anxious for the preſervation of the two firſt will not be queſtioned; but for the Proteſtant religion, any farther than as it threw the poſſeſſions of the Church into their hands, their whole conduct ſhews that they cared not a feather. The fanatical preachers were merely their dupes. But there was another and a more powerful motive for this murder, or at leaſt for the manner in which it was executed. We ſhall ſtate it in the convincing language of Mr. Tytler.

"The Queen was, at this time, above ſix months advanced in her pregnancy. The death of Rizzio was ſurely the leaſt view of the conſpirators. *Had that been their ſole aim, a hundred ways occurred* to have *diſpatched him quietly out of ſight:* but that would have had no conſequence. In the plan which they purſued, how big a ſcene for expectation appeared! A band of armed ruffians, with their daggers brandiſhed, to ruſh of a ſudden into the preſence of a woman ſix months gone with child, to overturn the table at which ſhe ſat, and to ſtab a man hanging at her knees! From this ſcene of brutal outrage, of blood and horror, was it natural to expect leſs than the Queen's abortion? Might they not expect her death? And, in any event, was not this an infallible means of bringing on an immediate rupture between the Queen and her huſband? In this laſt view the ſcheme ſucceeded. It was impoſſible for the Queen, or indeed any woman, not to ſhew reſentment againſt a huſband who could join in ſo horrid, ſo unnatural a conſpiracy againſt her life, and that of his own offſpring." (Tyt. Inq. Vol. II. 13, 14.)

The force of this reaſoning is plainly irreſiſtible. Yet Mr. Laing writes as if he had never read the paſſage. The conſpirators, he ſays, "intended, at firſt, to ſeize Rizzio, and *execute him in public.*" This, though aſſerted by Buchanan and Knox, is the very acme of abſurdity. Had this been their intention, they had, as Tytler obſerves,

ſerves, a hundred ways to effect their purpoſe without inſulting the very perſon of their ſovereign, and endangering her life. To quote on this ſubject, Knox and Buchanan is diſgraceful to Mr. Laing. Yet this candid gentleman even revives the calumny, circulated by Buchanan alone, of a criminal intercourſe between Mary and Rizzio. And, in perfect conformity with his boaſted impartiality, he does ſo at the very time, when he ſays that *he will not enquire into it.* It is worth the reader's while to obſerve the diſingenuous art of this writer. Of Mary's familiarity with Rizzio, he obſerves, "there is no proof now but her huſband's ſuſpicions." (P. 10.) The idea is, accordingly, properly ſcouted by Robertſon and all the other hiſtorians. But how does Mr. Laing act on this occaſion? He labours to communicate the ſuſpicions of Darnley to the mind of his readers. "That Rizzio was old, deformed, and decrepid, is," he tells us, "an interpolation of Dr. Mackenzie in his edition of Ruthven's Narrative. Blackwood ſays that he was *aſſez agé, laid, morne et malplaiſant.*" Our author then adds: "This, if true, correſponds ſufficiently with Buchanan's account, that he was ugly, *but not paſt his vigour.*") This laſt touch is clearly of a piece with the mention of Darnley's *robuſt ſtature,* and is deſigned to produce the ſame impreſſion on the mind, that Mary was a worthleſs abandoned woman, perpetually intent on the gratification, by whatever means, of her ſenſual appetites. How far ſuch repeated inſinuations are honourable to the author's head or heart we leave others to judge. But, at all events, it is proper to mark them, as *evidences of his impartiality.*

The part which had been acted by Darnley in the murder of Rizzio was ſo ferocious, and his general conduct was ſo mean and contemptible, that we cannot wonder that the Queen's affection for him was greatly impaired. And "in proportion as her huſband ſunk," ſays Mr. Laing, "the Earl of Bothwell roſe in her confidence and eſteem." (P. 12.) It is of great importance to the caſe of Mr. Laing that the reader ſhould be impreſſed with the belief that Mary's attachment to the Earl of Bothwell was of a criminal kind; becauſe on this is built her ſubſequent ſuppoſed participation with that nobleman in the murder of her huſband. Yet even our author himſelf aſſigns very good reaſons for the favours which Mary conferred on Bothwell. In that age of faction, rebellion and treaſon, he had been uniformly diſtinguiſhed for his loyalty. "Though a Proteſtant himſelf," ſays Mr. Laing, "he had adhered to her mother, the Queen regent, againſt the congregation, and continued in the ſervice of Mary abroad, before her return to Scotland, from whence he was ſoon expelled for a ſuppoſed plot againſt Murray's life." (P. 13.) Such a man was, ſurely, a very proper object of the bounty of his ſovereign. But this reaſoning will not ſatisfy Mr. Laing. The honours conferred on Bothwell muſt be the price of an adulterous commerce with his ſovereign. "According to the repreſentation of her enemies, ſhe acknowledged to Murray, when confined in

Lochlevin caſtle, that ſhe was firſt betrayed, on her return from Alloa, into Bothwell's arms." (P. 14.) For this precious anecdote our author refers to Buchanan and Keith. Once more we muſt obſerve, with regard to Buchanan, that to uſe his evidence againſt the Queen is ſupremely diſgraceful. His infamous *detection* was written for the very purpoſe of defaming her, and is filled with innumerable bare-faced lies. The following, we ſuppoſe, is the paſſage of Keith, to which our author ſends us. It is part of a letter addreſſed to Elizabeth, by Sir Nicholas Throckmorton, and dated Auguſt 20, 1567.

"I do hear that he (Murray) behaved himſelf rather like a ghoſtly father (yes, he had an ample ſtock of hypocriſy) unto her than like a counſellor. Sometimes the Queen wept bitterly; ſometimes ſhe acknowledged her unadviſedneſs and miſgovernment; ſome things ſhe did confeſs plainly; ſome things ſhe did excuſe; ſome things ſhe did extenuate." (Keith, p. 445.)

Such undoubtedly is the notable confirmation which our candid author offers of Buchanan's defamatory ſtory. Our readers will obſerve that a general confeſſion, reported no doubt, to Sir N. T. by Murray himſelf, is converted by Mr. Laing into a poſitive proof of a particular calumny. And this is the way that our author demonſtrates poor Mary's crimes! But as Mr. Laing has directed us to the paſſage, it may not be amiſs to lay before our readers the very next words of Sir Nicholas's letter. "In concluſion, the Earl of Murray left her that night *in hope of nothing but of God's mercy*, willing her to ſeek *that* as her chiefeſt refuge." The meaning of this language none can miſtake. It is, as Keith has expreſſed it, "*that the Lords had a mind to put her to death.*"

But our author proceeds to give ſtronger proofs of Mary's criminal attachment to Bothwell. He had gone as Lieutenant of the Marches, into Liddiſdale, where he was ſurrounded by ſome robbers whom he endeavoured to apprehend, and was carried to Hermitage Caſtle; on hearing of this accident Mary inſtantly ſet out to viſit him, and performed a journey, ſays Mr. Laing, of more than ſixty miles. This journey is urged by our ingenious author as it had been by Robertſon, as "a convincing proof of her moſt tender affection." (P. 14.) Mr. Laing is a little too peremptory when he ſays, "there was no inſurrection to demand her preſence; no viſible circumſtance to require, or even to juſtify, a viſit from the Queen." Mr. Laing well knows that, in thoſe lawleſs times, diſturbances on the borders were ſerious things; and he was not preſent with her Majeſty to hear what reports were brought her. No matter; her love for Bothwell, it ſeems, carried her to Hermitage Caſtle. She ſurely, remained there ſome time to indulge it. O no, ſays our author: "She returned to Jedburgh that ſame night." We appeal to our readers, whether young or old, if this was the conduct of a woman deſperately in love. Mr. Laing has fairly confuted his own argument, and proved it abſurd. But we muſt farther obſerve that this very abſurdity had been ſtrongly ſtated by Tytler, in anſwer to Robertſon. Yet our *candid* author

author continues to write as if Tytler's work had been wholly unknown to him.

It is impoſſible for us, within the limits of a Review, to follow our author ſtep by ſtep. We can notice only the moſt prominent parts of his multifarious performance. He frequently puzzles us by the obſcurity, and ſometimes confounds us by the abſurdity, of his reaſoning. Mr. Laing, we think, ſomewhere makes honourable mention of "the quibbling objections of a Scottiſh advocate." If our readers be deſirous to ſee a ſpecimen, we ſhall here preſent them with a ſtriking one. On Mary's return from Jedburgh, ſhe paſt ſome time at the houſe of Craigmillar, about two miles from Edinburgh, where ſhe was attended by Murray, Bothwell, Huntley, Argyle, and Secretary Maitland of Lethington. She was obſerved to be ſunk in a profound melancholy, ſuppoſed to ariſe from the ill conduct of her huſband. It was therefore agreed, on the propoſal of Murray and Lethington, and on condition of a pardon for Morton of Ruthven, and Lindſay, then in exile for the murder of Rizzio, that an offer of aſſiſtance ſhould be made to the Queen for the purpoſe of freeing her from her huſband. An account of the conference is contained in the famous proteſtation of Huntley and Argyle, which was intended to be given in during the proceedings at Weſtminſter. This account Mr. Laing himſelf adopts, and quotes as follows:

"Madam," ſaid Lethington, 'fancie ye not that wi are heir of the principal of your grace's nobilitie and counſale, that ſhall fynd the moyen that your Majeſtie ſall be *quyt of him* without prejudice of your ſone? and albeit, that my Lord of Murraye heir preſent be lytill leſs ſcrupuleus for ane Proteſtant than your Grace is for ane Papiſt, I am aſſurit he will look throw his fingeris thairto, and will behald our doeings, ſaying nathing to the ſame. 'I will that ye do nathing,' ſaid Mary, 'quhairto any ſpot may be layit to my honour or conſcience, and thairfor I pray you rather let the matter be in the eſtait as it is, abyding that God in his gudneſſe put remeid thairto; that ye beliefing to do me ſervice may poſſibill turn to my hurt and diſpleaſour.' 'Madam,' ſaid Lethington, 'let us guyde the matter amongis us, and your Grace ſhall ſee nathing but gude, and approvit be parliament." (Laing, P. 20, Keith App. p. 138.)

From this converſation Argyle and Huntley draw the following concluſion. "Swa after the premiſſis, the murther of the ſaid Henry Stewart following we juge in our conſcience and haldis for certane treuth, that the ſaids Erle of Murraye and Lethingtoun war autors, indentors, devyſeris, counſalors, and cauſeris of the ſaid murther, in quhat manner or be quhatſumever perſonis the ſame was execut." (Keith, ubi ſup.) Mr. Laing's concluſion is very different. Whatever might be Lethington's project for making her Majeſty *quyt* of Darnley, our author thinks it evident, from the laſt words of Lethington that "the Queen, who perceived his meaning by her former anſwer, *acquieſced in the deſign.*" This is ſtrange, when her Majeſty abſolutely forbids them to do any thing againſt her *honour or conſcience.* Lethington's project might point to murder; and in

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Mr. Laing's opinion, it did ſo. He ſays, indeed, that it *undoubtedly* did ſo; and he adds, with the genuine "quibbling of a Scottiſh advocate," what nobody, we believe, but himſelf will perceive; that "the Queen's anſwer but too evidently implies a foreknowledge, and her acquieſcence a tacit approbation of the deſign, which the leaſt prohibition, or intimation of her abhorrence might have ſufficed to prevent." (P. 21.)

Thus eager is Mr. Laing to fix on the Queen a foreknowledge and approbation of the murder in ſpite of the very evidence before him, and in defiance of common ſenſe. But his eagerneſs has involved him in a groſs inconſiſtency. This conference at Craigmillar has been always quoted by Mary's friends, as irrefragable evidence that ſhe would not even agree to a divorce from her huſband, leſt the ſtep ſhould be prejudicial to herſelf or her ſon. Mr. Laing was reſolved to turn the very weapons of Mary's friends againſt her, and to ſhew, from the conference, that ſhe conſented even to the murder. We believe with Mr. Laing, that Lethington's ſpeech alluded to the murder, which was already deviſed by the party. But what opinion, then, ſhall we form of Murray, who, according to Lethington, was to "*looke throw his fingeris, and behald their doings, ſaying nathing to the ſame?*" It is ſurely poſſible, at leaſt, to ſuppoſe the Queen ignorant of Lethington's meaning. But we cannot make the ſame ſuppoſition in favour of Murray. He is, therefore, by Mr. Laing himſelf, convicted of being an acceſſary before the fact to the murder of Darnley. Yet, ſays Mr. Laing, "if Murray had even propoſed a divorce with the Queen's conſent, the concluſion that he murdered her huſband without her knowledge may be juſtly decided as unconnected with the premiſes." (P. 21.) But Murray by the tenor of Mr. Laing's own pleading is privy to the murder; and there is nothing in the caſe that deſerves to be decided but the very abſurd and ridiculous defence which this "Scottiſh advocate" makes for his client.

That the King's ungrateful and wild behaviour gave great offence and uneaſineſs to the Queen, will eaſily be perceived. But her enemies convert her juſt diſpleaſure into irreconcileable hatred, in order that the reader may be gradually diſpoſed to believe her the author of his ſubſequent murder. Our author is careful in relating their differences, uniformly to throw the blame on the Queen. Thus, without ſo much as the ſhadow of authority, he repreſents the abſence of Darnley from the baptiſm of the prince (which took place at Stirling, Dec. 17, 1566.) as occaſioned by "a prohibition iſſuing from the Queen." (P. 22.) She was, ſays Mr. Laing, "inexorable towards her huſband." (P. 23.) But Mr. Laing is pleaſed to inveſt her with a character which did not belong to her. Mary was never inexorable towards any one. On the contrary, her known placability and the eaſineſs of her temper were the very engines employed to ruin her. At Stirling ſhe conſented to extend her pardon to Morton and his aſſociates in the murder of Rizzio; and, on

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December 24, ſhe went to ſpend her Chriſtmas at Drummond Caſtle, and Tullibardine, while Darnley returned to his father's at Glaſgow. There he was ſeized with a putrid diſorder, which Mary's enemies would have us believe was owing to poiſon adminiſtered to him by her order, but which is generally allowed to have been the ſmall-pox.

It is ſtated, by Mr. Laing, that, while Mary was at Stirling, "the Archbiſhop of St. Andrew's conſiſtorial juriſdiction, which had been ſuppreſſed at the Reformation, was reſtored by the Queen's ſignature." (P. 23.) This fact has been denied by Mr. Whitaker, whoſe reaſoning on the ſubject we deem unanſwerable. In reality the juriſdiction of the Archbiſhop had never been *legally* aboliſhed, and, conſequently, needed not to be reſtored, the fact, however, of its revival is conſidered, by all the enemies of Mary, as a point of great moment. Such a ſtep, they ſay, could be intended only to prepare the way for Bothwell's divorce, and is a pregnant proof of her guilt. But they forget that, in this view, the reſtoration of the Archbiſhop's juriſdiction was wholly unneceſſary. Lady Bothwell, a Papiſt, carried on her ſuit for a divorce from her huſband before the Proteſtant commiſſaries; and why might not Bothwell, who was himſelf a Proteſtant, have done the ſame? We may, perhaps, be told that the tender conſcience of the adulterous Queen would not have been ſatisfied, unleſs ſentence had been given by a popiſh court. Let even this be granted; yet what ſhould have prevented her from obtaining a diſſolution of Bothwell's marriage by the Pope himſelf? Mr. Laing, however, produces, from the records of the privy ſeal, the very letter which reſtored the primate's juriſdiction. This certainly *ſeems* undeniable authority; and, yet it is remarkable that this very document, on the very face of it, is at variance with acknowledged hiſtory and fact. It "*reſtores and repones*" the Archbiſhop's "juriſdictions, *diſcharging by thir preſentis* all utheris commiſſaries, clerks and utheris commiſſaries *now eſtabliſht thairintil*, of thair offices farder in that pairt." (Append. Pp. 75, 76.) Now it is moſt certain that the Proteſtant commiſſaries were *not diſcharged*; for, as juſt obſerved, in a ſhort time after we find Lady Bothwell proſecuting before them, and them pronouncing a definitive ſentence. Whether, therefore, this record of privy ſeal be one of thoſe forgeries which diſgrace the characters of that profligate age, we ſhall not pretend to determine. But, be it ſpurious or authentic, he who drew it up was clearly no conjurer.

On the 14th of January, the Queen returned to Edinburgh, "without viſiting," ſays Mr. Laing, "her huſband, to whoſe danger ſhe ſeemed indifferent." This charge had been formerly advanced by Robertſon, and obviated by Tytler. (Inq. II. 71, 72.); yet of Tytler's remarks Mr. Laing takes no notice. It did not ſuit his purpoſe to ſtate the probabilities which lead us to ſuppoſe that Mary viſited her huſband as ſoon as ſhe received information of his illneſs. On the 23d. however, ſhe arrived at Glaſgow; and "when," ſays Mr. Laing, "no cauſe had occurred to ſurmount her recent diſguſt and averſion,

averſion, much leſs to revive her former attachment to her huſband, ſhe employed the moſt tender aſſiduities *to remove his ſuſpicions* and regain his confidence; to ſooth and aſſure his mind of a ſincere reconciliation; and to perſuade him to return in a litter to Edinburgh." (P. 26.) Unfortunate Mary! whoſe every action is tortured into a proof of guilt! If ſhe does not viſit her huſband, ſhe is indifferent to his danger! If ſhe does, ſhe is treacherous and inſincere! But Mr. Laing affirms, very cooly and confidently, that Mary "employed the moſt tender aſſiduities to remove Darnley's ſuſpicions." We call upon Mr. Laing for proof that Darnley entertained any ſuſpicions. He has brought none; and we believe that he can bring none. This is, therefore, one of thoſe gratuitous aſſertions in which Mr. Laing delights to indulge, but which, certainly, in a profeſſed inquirer after truth on a much diſputed ſubject, are not very creditable. Mr. Laing is not more accurate when he ſays that "no cauſe had occurred to revive the Queen's former attachment to her huſband." The King had expreſſed a deſire to ſee her, and had ſignified his ſorrow for his former bad conduct. This alone was ſufficient to extinguiſh, in the gentle boſom of Mary, who was ever ready to forgive even her moſt inveterate enemies, all reſentment againſt one whom ſhe had tenderly loved. "On hearing," ſays the loyal Biſhop of Roſs, "of the King's repentance, and that he deſired to ſee her, ſhe haſted with ſpeed to ſee him at Glaſgow." Mr. Laing, indeed, endeavours, in various places, to defame the character, and detract from the credit of this excellent prelate, but his ſucceſs will be commenſurate with the benevolence of his deſign. The fact itſelf, as repreſented by the Biſhop, is credible and natural. Mr. Laing, however, ſeems incapable of entering into the feelings which the King's repentance was fitted to produce in a good and affectionate heart. He thinks, with Robertſon, that Mary's conduct was "all *artifice and diſſimulation.*" But the artifice which he himſelf employs to prejudice his readers, and to blaſt the Queen's character, obtrudes itſelf upon us in every page. The following inſtance is, at once, moſt diſingenuous and moſt glaring.

"The two firſt of her letters to Bothwell, were written at Glaſgow, on Friday night and on Saturday morning. They belong to a different branch of my ſubject; but it is material to obſerve that, from the evidence of Nelſon, one of Darnley's ſervants, who was preſerved at his death, as the firſt deſign was to carry the King to Craigmillar, ſhe muſt have correſponded with Bothwell at this period, in order to procure and prepare the houſe for his reception at the Kirk of Field." (P. 27.)

We intreat our readers to weigh, with attention, the purport of this paſſage. The Queen's participation, with Bothwell and his aſſociates in the murder of her huſband, is the very point at iſſue; and of her guilt there is not the ſhadow of evidence, except what ariſes from certain letters and ſonnets, affirmed, by the rebels, to have been written by her, and ſent to Bothwell. Theſe letters and ſonnets Mary uniformly aſſerted, and her friends conceive that they have

have demonſtrated, to be impudent forgeries. On the queſtion, therefore, whether they are genuine or ſpurious, the whole controverſy turns, and, had Mr. Laing been an unbiaſſed inquirer, this is the very firſt point which he muſt have examined. Inſtead of purſuing this line of conduct, which the circumſtances of the caſe imperiouſly demanded, how does Mr. Laing proceed? He accumulates a crowd of ſucceſſive events, on which he beſtows that kind of colouring which is calculated to leave an impreſſion unfriendly to the character of the Queen. And thus the common reader is eaſily perſuaded to believe her guilty on Mr. Laing's ſimple word. But Mr. Laing does yet more. He has not, yet at leaſt, ſhewn the letters to be genuine, and he owns that they belong to a different branch of his ſubject. Yet he here makes a moſt important uſe of them. For, on the credit of theſe very letters, alone, he aſſumes it as proved that, during Mary's reſidence at Glaſgow, ſhe correſponded with Bothwell. And what was the object of this correſpondence? *To get every thing ready for Darnley's murder.* Thus our author takes the Queen's guilt for granted; and not only ſo, but aſſerts it as *a moſt indubitable fact.* "At this period ſhe *muſt* have correſponded with Bothwell!"

For this correſpondence there is, we repeat it, no evidence in exiſtence but the ſcandalous letters produced by the rebels. Yet our author's aſſurance is here aſtoniſhing. He ſeems ſomewhat aſhamed, of appearing to depend entirely on the letters for the truth of ſo material a fact. He therefore, brings forward a moſt reſpectable perſonage, one Mr. Nelſon to eſtabliſh his caſe. Well what does Nelſon ſay? Undoubtedly *that Mary, while ſhe ſtaid at Glaſgow, correſponded with Bothwell!* No: even this puppet of Murray and his faction ſays no ſuch thing. "The deponar remembris it wes dewyſit in Glaſgow that the King ſuld haif lyne firſt at Craigmillare: bot becauſe he had na will thairof, the purpois wes alterit, and concluſioun takin that he ſuld ly beſyde the Kirk of Field." (App. 269.) It is remarkable that, in order to eſtabliſh the fact that it was at firſt meant to carry the King to Craigmillar, Mr. Laing had no occaſion to recur to Nelſon. It is intimated repeatedly in the letters themſelves. Why then is Nelſon brought upon the ſcene? Merely that he might paſs with unreflecting minds as giving ſome countenance to Mr. Laing's gratuitous, but poſitive, aſſertion, that the Queen, at this time, was employing Bothwell to prepare the houſe at Kirk of Field for the murder. "It is material" ſays Mr. Laing, "to obſerve that at this period the Queen muſt have correſponded with Bothwell." It was, indeed *material*; for, if the reader is diſpoſed to admit this fact, Mr. Laing has already completely gained his cauſe. Let us ſee, then, how Mr. Laing has eſtabliſhed it. "The letters ſay, and Nelſon ſays, that the firſt deſign was to carry the King to Craigmillar. Now, as he was afterwards actually carried to the Kirk of Field, it follows—" What follows? Reader mark the inference! "It follows *that the Queen muſt have correſponded with Bothwell in order to prepare that houſe for the murder.*" Such is the reaſoning of Mr. Laing! We hope that

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he reaſons in a different way before the Court of Seſſion; for otherwiſe their Lordſhips, we apprehend, muſt frequently have occaſion to tell him that his "concluſions may be juſtly derided as unconnected with the premiſes."

Mr. Laing would certainly call us ſuperſtitious if we ſo much as hinted that, as a puniſhment for his virulence in calumniating this much-injured Queen, he has ſeemingly been ſtruck with judicial blindneſs. We ſhall therefore only ſay that his prejudices have ſo clouded his underſtanding as to render him inſenſible to the groſſneſs of his own ſophiſms, and even to involve him in palpable contradictions. According to the confeſſion of Morton, who, many years afterwards, was executed as an accomplice in the murder of Darnley, that Lord was preſſed, by Bothwell and Archibald Douglas at Whittingham in Eaſt Lothian, to engage in the enterprize, which they repreſented as ſanctioned by the Queen. But Morton required a written warrant from Mary, which Bothwell was never able to ſhew him. "The ſequel," ſays our author, "is explained by Douglas in a letter written to Mary after Morton's death." (P. 28.) This man tells Mary that from Whittingham he accompanied Bothwell and Lethington to Edinburgh, from which he was ſent with this meſſage to Morton: "Shaw to the Earl Morton that the Queen will hear no ſpeech of that matter appointed unto him." On this occaſion let unlimited credit be given both to Morton and to Douglas; a favour which, certainly, neither of them deſerves: and what is the natural concluſion to be drawn from ſuch a meſſage? Why, certainly, if it related at all to the murder of Darnley, the obvious purport of the meſſage is that the Queen was utterly averſe from ſuch a crime. But Mr. Laing draws from it a ſingular inference, which we ſhall give in his own words.

"It is obſervable," he ſays, "that the Queen herſelf, previous to the conferences in England, avowed her knowledge that Lethington and Morton were privy to the murder; declared that the former would be very loth to appear againſt her: *and of conſequence was fully apprized of his and Bothwell's interview with Morton at Whittingham.*" [Will Mr. Laing be ſo good as to tell us how his *conſequence* here is connected with his premiſes?] "And, as the date of that interview muſt be fixed at the period of her abſence at Glaſgow, when Bothwell was employed to provide a houſe for her huſband's reception, ſo the ſole purport of the meſſage was to ſhew Morton that the Queen would hear no ſpeech, *not of the murder*, of which the leaſt intimation muſt have alarmed her if innocent, *but of the written warrant*, the matter promiſed or appointed unto him, which Morton demanded under her hand." (Pp. 28, 29.)

It is ſurely reaſonable to aſk Mr. Laing how he comes to be ſo particularly acquainted with the preciſe and ſpecific import of the meſſage. But let the caſe be as Mr. Laing has ſtated it; and then let us ſee how the matter ſtands on the ſyſtem which he has undertaken to ſupport. It is prepoſterous to remind us, with an air of grave importance, that the Queen, before the conference in England, knew Mor-

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ton and Lethington to be privy to the murder; for according to Mr. Laing, as we have already ſeen, ſhe conſented to it herſelf, when Lethington propoſed it to her at Craigmillar. Though Morton himſelf was not preſent at Craigmillar, yet Mary might eaſily learn his acceſſion from the other aſſociates. But why ſhould ſhe refuſe a written warrant, ſince Morton required it? Her refuſal we ſuppoſe proceeded from prudence. She was afraid, no doubt, that her warrant might be produced againſt her; and, therefore, ſhe witheld it. Now Mr. Laing fixes the interview at Whittingham to the time when, by the rebel journal given in to Cecil, Bothwell had gone on a journey to Liddiſdale. But it is proper to let the journal ſpeak for itſelf.

"Januarii 24. The Queen remaynit at Glaſgow, lyck as ſhe did the 25 and 26, and hayd the conference with the King whairof ſhe wryttis, and in this tyme wrayt her byble [bylle] and utheris letteris to Bothwell. And Bothwell this 24 day wes found werry tymus weſeing the King's ludging that wes in preparing for him, and ſame nycht tuck journey towards Lyddiſdaill."

Here, then, we have Bothwell, before he ſet out to confer with Morton, examining the houſe where the King was to lodge. The plan of the murder was, therefore, according to the rebels themſelves, already adjuſted between him and Mary. He had letters of hers, of courſe, in his poſſeſſion, by which he might have quieted the ſcruples of Morton. But Morton, it ſeems, demands a formal warrant, which Bothwell is never able to procure. For Mary is too wiſe, and too much upon her guard, to hazard ſo imprudent and dangerous a ſtep. And at what particular juncture of time is this very commendable prudence diſplayed? *It is diſplayed*, good reader, *at the very time when, by the account of the rebels themſelves, ſhe is ſending to Bothwell, every day and by common bearers, not only letters, but* OPEN LETTERS, *which convict her at once of adultery and of murder.* Mr. Laing complains that, in the publications of Tytler and Whitaker, "we ſearch in vain for that *moral evidence* ariſing from Mary's conduct, which is often more ſatisfactory than direct proofs." (P. 2.) We hold it, indeed, for a certain truth that thoſe writers, *as maſters of moral reaſoning*, will never have the honour to be claſſed with Mr. Laing; and our readers are already, in ſome degree, able to judge how well Mr. Laing is qualified as well to correct the errors of thoſe gentlemen as to ſupply their defects.

At laſt Mr. Laing conducts the King to the Kirk of Field, where the houſe in which he lay is blown up with powder. "A ſolitary houſe," our author ſays, "ſo acceſſible and open on every ſide, muſt have been choſen for the purpoſe." (P. 31.) In this concluſion we have the honour to concur; but the queſtion ſtill returns, by whom was this murderous purpoſe deviſed? Mr. Laing having already aſſured his readers that the Queen and Bothwell were jointly the authors of it, proceeds very coolly to draw theſe concluſions which ſuch aſſurance will warrant. "As the King's conſent to return was uncertain, and as the firſt deſign was to carry him to Craigmillar, the houſe

houſe muſt have been provided under the Queen's direction, during her abſence at Glaſgow, *not by Murray or Morton*, but by one whom ſhe durſt not afterwards accuſe of the murder; and Bothwell alone ſtood in that ſituation." (Ibid.) A notable argument, and perfectly concluſive, provided we grant one trifling conceſſion; *that the Queen herſelf was the contriver of the murder.* Mr. Laing has informed us that he is not very fond of "direct proofs;" and to this information his manner of arguing is ſtrictly conformable. Inſtead of *proving* Mary's guilt, he chuſes rather at every ſtep *to take it for granted.* But becauſe the King could not go to the Kirk of Field without the Queen's conſent, does it follow that ſhe was privy to the horrid tranſaction which afterward took place! That Bothwell and Morton were deeply concerned in it is on all hands allowed; and that Murray not only knew, but approved of it, there is good reaſon to believe: nay, Mr. Laing himſelf has already taught us to believe ſo. Theſe gentlemen were certainly very well qualified for carrying on, and for bringing to effect, a plan of this nature; and, though Mr. Laing affects to diſcover no traces of inordinate ambition in Murray, which could lead him to the perpetration of ſuch a crime, yet Murray's ambition, guarded indeed, and artfully covered with the mantle of religion, is recorded in the moſt authentic documents of the age. But we ſhall mention to our ingenious author, to whom *direct proofs* are leſs ſatisfactory than *moral evidence*, one moral proof of Mary's innocence, to which, in fairneſs, he ought to have adverted. Let it be ſuppoſed that Mary was determined to ſacrifice her huſband to her ſlighted love; yet why ſhould ſhe chooſe to blow him up with gunpowder? Her enemies inſinuate that a doſe of poiſon had already been given him by her command, though the ſtrength of his conſtitution preſerved him. But why did ſhe not repeat the doſe? Or in ſome other way diſpatch him quietly, while his weakneſs would have rendered the event of his death ſurpriſing to nobody? Inſtead of following this eligible and prudent plan, ſhe prefers deſtroying him in the moſt public manner; in a manner which neceſſarily makes his miſerable end an object of attention and inquiry to all Europe; in a manner, too, which naturally directed the ſuſpicions of the public againſt herſelf. If the murder was projected, and the mode of it fixed by Murray and his party, we ſee in that mode, at once, the object which they muſt have had in view, namely, to ruin the Queen. But if Mary herſelf was the author of the deed, no rational account can be given of her conduct. Her very enemies do not pretend that ſhe was a fool; but, in this caſe, they make her act like a mad perſon. This argument we pronounce unanſwerable; and, accordingly, Mr. Laing wiſely paſſes it in ſilence. He cannot, however, allege that it did not occur to him: for it was forcibly ſtated, in all its ſtrength, by Mr. Tytler. (II. 81—89.) We hold ourſelves, therefore, warranted to conclude that he found it impregnable, and, on that account, ſuppreſſed it.

Among

Among the "moral evidences" of Mary's guilt Mr. Laing here produces ſome of a very curious nature. Thus—

"The houſe, it is ſaid, was deſerted by ſome of his [the king's] ſervants, aware of the deſign; and it is certain that Durham, *the one particularly accuſed of betraying his master*, was rewarded by Mary, five days after his death, with a penſion and place." (P. 33.)

So Mary cannot beſtow a favour but ſhe is inſtantly convicted of the murder of her huſband! But where had Mr. Laing his information that Durham was "particularly accuſed of betraying his maſter?" Buchanan makes this ſame Alexander Durham her principal confidant, to the very laſt, about the King, with a view, no doubt, to confirm the concluſion that he was rewarded by Mary for his ſervices in forwarding the murderous deſign. But liars and forgers have need of good memories; for otherwiſe they are ſure to betray themſelves. And ſo it is here. The rebels make Hubert or French Paris ſay, in his ſecond declaration, that, even ſo late as the arrival of their Majeſties at Linlithgow, on their return from Glaſgow to Edinburgh, the Queen had no confidence in Alexander Durham. At Linlithgow ſhe tells Paris that there was an intention "mettre Guilbert Courlle vallet de chambre ches le Roy, pour ce qu'il eſtoyt de bon eſprit, affin de veoyr ce que le Roy feroyt; *car elle ne ſe fyoyt point à Sandé Duram.*"

Much akin to this evidence is the ſtory of the quarrel between the King and Lord Robert Stuart, the Queen's baſtard brother, which the rebels detailed to the Engliſh Commiſſioners at York, and which our author repeats. Lord Robert, it ſeems, informed the King, under the ſeal of ſecreſy, of the conſpiracy againſt his life. The King betrayed the ſecret to the Queen; and the reſult is thus ſtated by Mr. Laing.

"Inſtead of ſearching privately to diſcover and prevent the danger, ſhe next morning confronted her brother, who denied what he durſt not affirm in her preſence, with her huſband, who gave him the lie direct; and, as their hands were already on their ſwords, ſhe endeavoured, according to the concluſion of her enemies, to inſtigate thoſe fierce young men to ſome act of ſudden revenge." (P. 34.)

The Queen, we are to infer, induſtriouſly brought about this quarrel, in hopes that her huſband would be ſuddenly ſlain. So ſays Mr. Laing's authority, Buchanan. "About thre dayes befoir that the King was ſlane, ſho practiſit to ſet hir brother Lord Robert and him at deidlie feid; making reckning that it ſulde be gayne to hir quhilk ſa ever of them baith had periſheit." This is plain, and to the purpoſe. But how does Buchanan conclude his ſtory? "Quhil thay wer baith laying thair handis on thair wappinis, the Queen, fenzeing as thocht [i. e. feigning as though] ſho had bene perrilloufly effrayit of that quhilk ſho erniſtlie deſyrit, *callit the Erle of Murray, hir uther brother, to the parting.*" Thus Buchanan, with that fatality which, for-

tunately for the characters of men, generally attends the liar and slanderer, confutes his own calumny. The Queen sets her brother and husband by the ears, that the latter may be killed; and then calls in the Earl of Murray to defeat her own purpose.

As another convincing proof of Mary's guilt, we are told, by Mr. Laing, that the Queen, "on Saturday [the day before the murder] bestowed a pension on Margaret Carwood, her confidential maid, '*quha was previe and ane helpar of all thair lufe.*" Margaret Carwood was to be married next day; and there was surely nothing strange in the Queen's providing for the comfortable establishment of a favourite servant. But Mr. Laing, who seems as fond of scandal as an antiquated virgin, insists that this provision must have been the reward of Carwood's kind services in the adulterous intercourse between Bothwell and the Queen. Mr. Laing, indeed, seems to have a mortal antipathy to the folly of conferring favours for nothing. For the reality of Carwood's particular services Mr. Laing has the venerable authority of Buchanan, to which we bow, of course, with profound submission. But we must take the liberty to express some doubts with regard to a subsequent assertion of our author, even though supported by a cloud of witnesses, and those witnesses upon oath. On Sunday night the Queen visited her husband, and continued till a late hour in his apartment. "*During this visit,*" says Mr. Laing, "the murderers were introduced by Paris, through the garden and back door, into the lower apartment, *and the gunpowder was placed in the Queen's chamber, immediately under the King's bed.*" (P. 35.) Was Mary aware of what was going on in the chamber just below her? O yes, says Mr. Laing; it was all done by her orders. Then she must, say we, have been a very extraordinary woman indeed; with nerves formed of some very stubborn stuff. Hay and Hepburn, who were executed for the murder, swear that the powder was brought into the house in sacks, and emptied in a heap on the floor of the Queen's chamber. If this was performed while the Queen was immediately above with her husband, it is evident that she must have known nothing of the matter; for it is not in human nature to believe that she could have "remained," as Mr. Laing says she did, "in familiar conversation" with the King while she knew that her life was every moment in danger. But we disbelieve altogether this part of the evidence of Hepburn and Hay. We have no doubt that the house was blown up by a mine, as Mary herself intimates in her letter to the Archbishop of Glasgow. "Of the haill loging," she says, "wallis and uther, thare is nathing remanit, na, not a stane above another, bot all other, [either] carreit far away, or dung indross to the very grundstane. It mon be done be force of powder, *and apperis to have been a myne.*" (Keith Pref. p. viii.) Even Buchanan, in his Detection, as Mr. Whitaker observes, (III. 205.) "asserts the murder to have been effected by a mine, though in his history he recurs to the impossible tale of the depositions." He speaks of the "noise of the undermyneris working," and expressly affirms that they "undermynit

the

the wall, and fillit the hoilis [holes] with gune-powder." From this and other evidence Mr. Whitaker concluded that the depoſitions are demonſtrably falſe, and palpable forgeries. Mr. Laing, in a ſubſequent part of his book, endeavours to ſhew that the above aſſertions with regard to the mine are not Buchanan's, but one Dr. Wilſon's. His ſucceſs in this attempt will be afterwards examined. But at preſent we contend that the rebel ſtory of the Queen's amuſing herſelf with the King while ſhe knew that men with lights (which they muſt have had) were emptying powder on the floor of the room below that where ſhe ſat, is one of the groſſeſt and moſt incredible fictions which ever inſulted the common ſenſe of mankind.

Mr. Laing, having detailed in his own *candid* way, the facts which preceded the murder, obſerves that one of two concluſions muſt be deduced from them. "The firſt is that Murray and his aſſociates planned the conſpiracy, and inſtigated Bothwell, by the hopes or aſſurance of the Queen's hand, to commit the crime; the ſecond, that it was perpetrated by Bothwell alone, with the Queen's conſent." (P. 36.) The firſt is, of courſe, rejected by Mr. Laing; though ſome of his reaſons ſeem none of the ſtrongeſt. "The *ſole evidence*," againſt Murray, he contends, "is the inſtructions from the Lords and Abbots of Mary's party to Leſly, biſhop of Roſs, and his colleagues, her commiſſioners at York." (P. 37.) But Mr. Laing is miſtaken. Abundance of ſuch evidence is to be found in the letters of Elizabeth's agents in Scotland; and much of it has already been produced by Tytler and Whitaker. The above mentioned inſtructions go with Mr. Laing for nothing, being "obviouſly deviſed and penned," he ſays, "by the biſhop himſelf." This is, certainly, a very curious argument. What ſignifies it who drew up theſe inſtructions? Mr. Laing will not ſurely pretend to maintain that Leſly compelled the ſubſcribers to ſign what they did not believe. But Mr. Laing farther urges, that "in the immenſe maſs of correſpondence with France and England, no trace has been found of a propoſal by Murray to entail the crown on his own family; nor was any attempt ever made to remove his illegitimacy; much leſs to alter the lineal ſucceſſion, acknowledged by parliament, of the houſe of Hamilton to the Scottiſh throne." (P. 38.) No: ſuch projects were not to be unadviſedly or haſtily propoſed. Murray lived but a very little time after he uſurped the regency. Of his caution in retiring to St. Andrew's from Court, the very day preceding the murder, Mr. Laing's remark is, "if abſence alone be a proof of guilt, what vindication remains for innocence to produce?" True! but Murray had *a trick* of abſenting himſelf when any dangerous enterprize was to be carried into effect. Particularly, he afterwards retired into France, a ſhort time before the Queen's marriage with Bothwell, when this very marriage (as we ſhall afterwards prove) had been projected by himſelf for the Queen's deſtruction. The ſuſpicion is therefore unavoidable that, in the preſent caſe, his journey to St. Andrews was a mere pretence. And this ſuſpicion is converted into certainty when we know how he ſlunk

from an open charge brought againſt him by Lord Herreis. "Did not he," ſays Leſly, "nullâ circuitione uſus, flatly and plainly burden you, that you, riding in Fiffe, and coming with one of your moſt aſſured truſty ſervants, the ſaid day wherein you departed from Edenborough, ſaid to him among other talke, *This night, ere morning, the Lord Darnley ſhall loſe his life.*" What anſwer did Murray make to this charge? None at all, it appears. Yet, "no doubt can be made," as Mr. Whitaker obſerves, "concerning the truth of this aſſertion. It was immediately addreſſed by Lord Herreis himſelf to the Earl of Murray himſelf. It was addreſſed openly to him, at his own table, and within a few days after the murder. He then and there charged him with *a fore-knowledge* of the murder. He alſo confirmed his charge by an appeal to a ſpeech, which Murray himſelf had made to a confidential ſervant, the day before the murder; and which the ſervant had repeated ſince. And the whole is recorded by the Biſhop of Roſs, in a direct addreſs to the Earl of Murray, *that was publiſhed at the time, and never anſwered.*" (Whit. III. 276.) To this evidence Mr. Laing would probably reply, with his friend Dr. Robertſon, that Leſly "was a man heated by faction;" and that, therefore, his teſtimony is not to be believed. On the whole of this chapter, when we conſider by whom the cauſe has been tried, and the manner in which the evidence has been tortured, we cannot be ſurprized at the ſentence pronounced, which is thus delivered by the mouth of Mr. Laing. "When the two concluſions, ſo oppoſite to each other, are fairly examined, we diſcover no proof nor probable motive of Murray's guilt, but the ſtrongeſt preſumption that the Queen was not only privy, but acceſſary, to her huſband's death." (P. 44.)

(To be continued.)

Memoirs of the Life, Writings, and Correſpondence, of Sir William Jones. By Lord Teignmouth. Pp. 531. 4to. Hatchard. 1804.

THIS elaborate and elegant publication commences with a ſhort ſketch of the life of Mr. William Jones, father to the ſubject of the Memoirs. He appears to have been a mathematician of conſiderable eminence, and his correſpondence with Mr. Cotes, of which a part is preſerved in the library of Trinity College, Cambridge, proves him to be well acquainted with Halley, Newton, and other great and diſtinguiſhed characters of the time.

Mr. Jones died in 1749, juſt as his ſon had completed his third year. His widow, a woman of unuſual accompliſhments, and of whom it is not eaſy to ſpeak in appropriate terms of praiſe, amply ſupplied his loſs, and by a judicious ſyſtem of tuition, inſtilled into his infant mind, that thirſt of information, which "ſtrengthened with his ſtrength," and to which his celebrity muſt, in no inconſiderable degree, be attributed.

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At ſeven years old he was ſent to Harrow ſchool, and placed ſucceſſively under the care of Dr. Thackeray and Dr. Sumner, men whoſe names are yet remembered there with pleaſure. His progreſs now was uncommonly rapid; the ordinary buſineſs of the ſchool, ſuch were the retentive powers of his memory, engroſſed but little of his time, and the ſupernumary hours were dedicated to the attainment of uſeful and elegant knowledge in various arts. Poetry, he ſeems to have cultivated with aſſiduity. "He tranſlated ſeveral of the epiſtles of Ovid, all the paſtorals of Virgil, and compoſed a dramatic piece on the ſtory of Meleager, which he denominated a tragedy; and it was acted during the vacation by ſome of his ſchool-fellows, with whom he was moſt intimate. In his own play he performed the part of the Hero." (P. 18.)

Of this little compoſition, which is yet extant, the editor has given a ſpecimen: it poſſeſſes no extraordinary merit, and might, indeed, have been written by any clever boy of the ſame age.

He did not long, however, confine himſelf to ſo contracted a ſtage, nor to amuſements at ſecond-hand, but ſtruck out a bold and original ſpecies of entertainment for himſelf.

"In the uſual recreations of his ſchool-fellows at Harrow, Jones was rarely a partaker; and the hours which they allotted to amuſement, he generally devoted to improvement. The following anecdote ſtrongly indicates the turn of his mind, and the impreſſion made by his ſtudies. He invented a political play, in which Dr. William Bennet, Biſhop of Cloyne, and the celebrated Dr. Parr, were his principal aſſociates. They divided the fields in the neighbourhood of Harrow, according to a map of Greece, into ſtates and kingdoms; each fixed upon one as his dominion, and aſſumed an ancient name. Some of their ſchool-fellows conſented to be ſtyled barbarians, who were to invade their territories and attack their hillocks, which were denominated fortreſſes. The chiefs vigorouſly defended their reſpective domains againſt the incurſions of the enemy; and in theſe imitative wars, the young ſtateſmen held councils, made vehement harangues, and compoſed memorials, all doubtleſs very boyiſh, but calculated to fill their minds with ideas of legiſlation and civil government. In theſe unuſual amuſements, Jones was ever the leader; and he might juſtly have appropriated to himſelf the words of Catullus:

Ego gymnaſii flos, ego decus olei."

It is highly probable that the bias of Sir William Jones's mind was finally determined by theſe extraordinary purſuits. From them he acquired that enthuſiaſtic love of freedom, and that predilection for the republican inſtitutions of Greece and Rome, which he fondly cheriſhed to the laſt hour of his exiſtence.

Amidſt theſe occupations, devoting his ſchool hours to intenſe ſtudy, and the reſt of his time to relaxations at once generous, moral, and inſtructive, he reached his fifteenth year, at which period he had ſo far eſtabliſhed his reputation as to draw from Dr. Thackeray, a man ſingularly chary of praiſe, an opinion that "he was a boy of

ſo active a mind, that if he were left naked and friendleſs on Saliſbury Plain, he would nevertheleſs find the road to fame and riches."

He continued at Harrow two years longer under the care of Dr. Sumner, during which, his proficiency in literature ſeems to have been yet rapid than before: he read the beſt writers of Greece and Rome, learned the Arabic characters, and ſtudied the Hebrew language ſufficiently to enable him to underſtand the pſalms in the original.

But the young ſtudent was not content with merely reading the Greek and Roman Claſſics; he examined them critically, and became ſo perfect a maſter of their various ſtyles and manners, as to imitate them with the happieſt ſucceſs. In the Greek idioms, Dr. Sumner confeſſed that Jones was a greater proficient than himſelf; and he was uſually inquired after by the ſtrangers whom curioſity led to Harrow, under the title of the Great Scholar.

To this deep and proficient inſight which his uncommon application enabled him to acquire of the principles of antient compoſition, we attribute much of the ſucceſs with which he transfuſed the life and ſoul of every antient writer whom he ſelected, into his imitations and tranſlations, with a preciſion ſeldom known, or even attempted before: and we cannot recommend his example too earneſtly to all who wiſh, like him, to know the utmoſt of which antient genius is capable. To expect to enter fully into the beauties, or even into the ſenſe of the dramatic and epic productions of the old world, without a competent acquaintance with the metrical regulations to which they were ſubjected, is equally vain and hopeleſs. Our brethren of the North, therefore, who poſſeſs keen, vigorous, and comprehenſive minds, together with a degree of patient inveſtigation which appears admirably adopted to enſure ſucceſs in this purſuit, from their unaccountable neglect of ſo important a branch of ſtudy, have never yet given us one tolerable tranſlation of any antient poet. How greatly is it to be wiſhed, that the time waſted by them in ſetting up idle ſyſtems of metaphyſics, (which, like nine pins, are knocked down in ſucceſſion, for the melancholy pleaſure of rearing others to ſhare the ſame inevitable fate), were employed in remedying this unfortunate defect, and removing the only reproach that now lies on their partial mode of education.

Before Sir W. Jones left Harrow, he preſented a little collection of his poems to one of his ſchool-fellows: from this, which is yet in exiſtence, Lord Teignmouth has ſelected an imitation of a well-known Ode of Horace, addreſſed to the late Sir John Parnell, Chancellor of the Exchequer, in Ireland. It was produced when he was only fifteen, and is, indeed, a moſt extraordinary performance for a boy of that age:—the laſt ſtanza is inimitably impreſſive and beautiful.

Eheu fugaces, &c.

How quickly fades the vital flow'r!
Alas, my friend! each ſilent hour

Steals

Steals unperceived away:
The early joys of blooming youth,
Sweet innocence, and dove-eyed truth,
Are deſtined to decay.

Can zeal drear Pluto's wrath reſtrain?
No; tho' an hourly victim ſtain
His hallow'd ſhrine with blood,
Fate will recal her doom for none:
The ſceptred king muſt leave his throne
To paſs the Stygian flood.

In vain, my Parnell, wrapt in eaſe,
We ſhun the merchant-marring ſeas;
In vain we fly from wars:
In vain we ſhun th' autumnal blaſt,
(The ſlow Cocytus muſt be paſt)
How needleſs are our cares!

Our houſe, our land, our ſhadowy grove,
The very miſtreſs of our love,
Ah me, we ſoon muſt leave!
Of all our trees, the hated boughs
Of Cypreſs ſhall alone diffuſe
Their fragrance o'er our grave.

To others ſhall we then reſign
The num'rous caſks of ſparkling wine
Which frugal now we ſtore;
With them a more deſerving heir,
(Is this our labour, this our care?)
Shall ſtain the ſtucco floor. 1760.

Sir William Jones entered at Univerſity College, Oxford, in 1764. Here he experienced, at firſt, ſome mortification: his ardent mind led him to expect a Sumner in every tutor; in this he was, of courſe, diſappointed; but his diſlike was not of long duration: a more intimate acquaintance with the place, brought to his knowledge men of enlarged minds, and of extenſive learning; it opened alſo to his view, ſuch means of acquiring inſtruction from its unbounded ſtores of antient and modern literature, that he conceived a filial attachment for the Univerſity, which ſeems to have encreaſed with his years.

It was not probable, that with all theſe advantages within his reach, he ſhould be ſlow to avail himſelf of them: he applied himſelf, therefore, with his uſual zeal to ſwell that extraordinary ſtock of claſſical knowledge which he brought from Harrow, and peruſed with great aſſiduity, the Greek hiſtorians, philoſophers and poets, together with their commentators; conſtantly reading, as his noble biographer obſerves, "with a pen in his hand, making remarks, and compoſing in imitation of his favourite authors." Here too, he found an opportunity, which he did not neglect, of improving his acquaintance with Eaſtern literature, for which he had evinced an early partiality, by

ſtudying Arabic under a native of Aleppo, named Mirza, whom he brought to Oxford, and ſupported there at his own expence.

"His vacations were paſt in London, where he daily attended the ſchools of Angelo, for the purpoſe of acquiring the elegant accompliſhments of riding and fencing. He was always a ſtrenuous advocate for the practice of bodily exerciſes, as no leſs uſeful to invigorate his frame, than as a neceſſary qualification for any active exertions to which he might eventually be called. At home, his attention was directed to the modern languages; and he read the beſt authors in Italian, Spaniſh, and Portugueſe, following in all reſpects the plan of education recommended by Milton, which he had by heart; and thus, to tranſcribe an obſervation of his own, with the fortune of a peaſant, giving himſelf the education of a prince."

Who, after reading theſe remarks, can refuſe his moſt cordial aſſent to what is immediately ſubjoined by Lord Teignmouth?

"If the literary acquiſitions of Mr. Jones at this period, be compared with his years, few inſtances will be found in the annals of biography, of a more ſucceſsful application of time and talents, than he exhibits; and it is worthy of obſervation, that he was no leſs indebted to his uncommon induſtry and method for his attainments, than to his ſuperior capacity."

In the year 1765 he accepted an appointment in the family of Lord Spencer, and became private tutor to his eldeſt ſon, the preſent Earl: as his pupil, however, was only in his ſeventh year, (Sir William Jones was now in his nineteenth,) he found ſufficient leiſure to proſecute his own ſtudies, for which the excellent library at Althorpe afforded him every advantage.

About this time an event occurred, which, though trifling in itſelf, is yet ſo far of importance, as it offers a leſſon which thoſe of our readers, who are fortunate enough to have any tranſactions with miniſters, may not find without utility, more eſpecially if they have any man of *real* merit to protect and ſerve!

"On his return to Wimbledon, he was flattered by an offer from the Duke of Grafton, then at the head of the Treaſury, of the place of Interpreter for Eaſtern languages: but, although the acceptance of it might not have interfered with his other purſuits, or engagements, he declined it politely, but without heſitation, earneſtly requeſting that it might be conferred upon Mirza, (his Arabic tutor) whoſe character he wrote. This diſintereſted ſolicitation was unnoticed; and his diſappointment made him regret his ignorance of the world, in not accepting the proffered office, under a reſolution to conſign the entire emoluments of it, to his Syrian friend."

In 1767, he accompanied Lord Spencer to Spa, where he found time, amidſt the ever varied amuſements of the place, to perfect his knowledge of dancing, (for which he had ever a predilection,) and to acquire enough of German to read the Idyls of Geſner with delight. In the following year he undertook, at the requeſt of the King of Denmark, to tranſlate a Perſian manuſcript, containing the life of Nadir Shah, into French.

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It ſeems to have been but a childiſh whim of his Daniſh Majeſty, for the work has no extraordinary merit; and his deſire to make the French language the medium of its communication to his ſubjects, is ſcarcely reconcileable to any principle of common ſenſe or propriety. Political conſiderations, however, and a reſpect for the claims of hoſpitality, (the King was then in England) made it expedient to gratify his deſire; and Sir William Jones was induced by motives, which do him the higheſt honour, as a patriot and a man, to engage in the moſt ungrateful taſk he, probably, ever entered upon. Its execution was every way worthy of his diſtinguiſhed abilities, and aſtoniſhed foreigners no leſs than his own countrymen.

"To the hiſtory of Nadir Shah, he added a Treatiſe on Oriental Poetry, in the language of the tranſlation; and I may venture to aſſert, that Mr. Jones was the only perſon in England at that time, capable of producing a work, which required a critical knowledge of two foreign languages, one of which was ſcarcely known in Europe. Indeed, when we conſider the accuracy of the tranſlation, which has been acknowledged by the moſt competent judges, the extreme difficulty attending a literal verſion of Oriental imagery and idioms, the errors common to all manuſcripts, which he had no means of amending by the collation of different copies, and the elegance and correctneſs of his French ſtyle, we cannot but expreſs our aſtoniſhment at the perfection of his performance, and the rapidity with which it was completed. The annexed treatiſe on Oriental poetry is inſtructive and elegant, intereſting from its novelty, and entertaining from its ſubject and variety, and exhibits the combined powers of taſte and erudition. This work was executed by a young man in his twenty-third year; and the motives which induced him to undertake it, had an equal influence on his exertions to render it as perfect as poſſible."

If we inquire what advantages he derived from the execution of this Herculean labour, we ſhall find that they were confined to a diploma from which he received ſmall honour, and a recommendation which produced him nothing! He made no complaint, however; on the contrary, he always declared himſelf to be perfectly ſatisfied;—but it requires no great acquaintance with the noble and diſintereſted ſentiments of Sir William Jones, to diſcover that the performance of what he deemed his duty, was to him "that exceeding great reward" in compariſon of which the wealth of empires was worthleſs! Whether this be a ſufficient apology for thoſe who left him to it, may be fairly queſtioned.

(To be continued.)

Principles

Principles and Practice of Naval and Military Courts Martial, with an Appendix illuſtrative of the Subject. By John M'Arthur, Eſq. late Secretary to Admiral Lord Viſcount Hood, &c. Officiating Judge Advocate at various Naval Courts Martial during the American War, and Author of *Financial and Political Facts of the eighteenth and preſent Century.* The ſecond Edition, on an entire new Plan, with conſiderable Additions and Improvements. 2 vol. 8vo. Butterworth. 1805.

THE profeſſed object of this publication is to deliver, in a clear and methodical manner, the principles and practice of naval and military courts martial, with an alphabetical and chronological liſt of trials, for the information of the public, and more eſpecially, for the benefit and inſtruction of two deſcriptions of men, who are under the authority of laws, which do not extend to the reſt of the community. It is the peculiar privilege of Britiſh ſubjects, of every claſs or denomination, to live under laws, that are neither made by any one man or permanent body of men, nor liable to be changed or altered at their will, caprice, or pleaſure, but by a repreſentative body, that is not only *elective* but *temporary*, and a part of the perſons legiſlated for, at the ſame time that they are materially concerned in the act of legiſlation. And although theſe repreſentatives, with whom the initiative or originating powers of legiſlating are chiefly lodged, are neither choſen by the *whole* community, nor even by *a majority* of it, they are elected by a conſiderable part of it, and are ſo circumſtanced and related to the reſt, that, in their exerciſe of legiſlation, they cannot have, nor even think they have, any diſtinct or ſeparate intereſts of their own to conſult or purſue, to the prejudice of his majeſty's other ſubjects. We are well aware, that the learned and very ingenious commentator on the laws of England* has aſſerted "that only ſuch perſons are excluded from the privilege of voting for a repreſentative, as can *have no will* of their own; and that there is hardly *a free agent* to be found, but what is intituled to a vote in ſome place or other in the kingdom." We are equally ſenſible, that he and our other lawyers, in ſpeaking of taxation, lay it down as an incontrovertible poſition, "that no ſubject can be conſtrained to pay any tax but by his own conſent, freely given, either in perſon, or by his own repreſentative," and regard this as the fence, which, they ſay, the conſtitution has placed round what Mr. Locke calls the *natural* right of not parting with our property, but with our own conſent. Theſe allegations are eaſily reducible to a queſtion of facts. And to ſhew that they are neither correct, nor, ſtrictly ſpeaking, founded in fact, it is barely neceſſary to obſerve, that three fourths, at leaſt, of the whole maſs of men in the community, are not voters, and, of courſe, have no ſhare or voice, either in the choice of repreſentatives, or in the framing of

* Sir William Blackſtone.

laws,

laws. But this truth, which cannot be denied, ought not to ſtartle any well-wiſher to Britiſh liberty, which depends, not ſo much on the right of election, as on this important and material circumſtance, that the powers of repreſentation and legiſlation are *merely temporary* and delegated only for a limited time. Were the Houſe of Commons a permanent body, or were the members of it even choſen for life, there would be no more ſecurity for the liberty of an Engliſhman than there is at preſent for that of a Turk. But, conſtituted as they now are, it is impoſſible for them to forget, whilſt they are framing laws, that they may ſoon ceaſe to exerciſe that power, and return to a ſituation, in which they may, and even muſt, be legiſlated for by others. When we obſerve men, however, either write or ſpeak of *natural* rights in a *ſtate of ſociety*, we cannot help regarding them as wild or enthuſiaſtic vapourers, who hurt the cauſe of real liberty, as we are utterly at a loſs to diſcover where any man in a ſocial ſtate is to look for his rights but in the laws and regulations of the community in which he lives.

The periodical renewal of the legiſlature is certainly the principal ſecurity we have for the rights and liberty of the ſubject, and is, at the ſame time, very advantageous to government itſelf. It enables thoſe, who poſſeſs the right of election, to exerciſe the ſalutary power of excluding, from one branch of the legiſlature at leaſt, ſuch perſons, as have been found either unequal to the proper diſcharge of their duty, or unfaithful to the truſt repoſed in them. It alſo facilitates the operations of government, and preſerves its dignity, by relieving it from the neceſſity of obſtinately purſuing erroneous ſyſtems, which, when once begun, in arbitrary or deſpotic ſtates, muſt be perſiſted in, from the extreme difficulty of reformation; ſince to recede from them in ſuch countries would carry with it the appearance of fallibility, which is always galling to the pride of power. But one parliament may depart from the principles and meaſures of another parliament, without diminiſhing the reſpect that is due to government. On every renewal of the legiſlature the moſt active of the three bodies compoſing it is ſuppoſed to be politically regenerated. Inſtructed by, though not chargeable with, the faults or miſcarriages of that, which is paſt, it preſents itſelf at firſt to public view, in the apparent purity of youth, with the experience of old age. It is not bound to adopt the principles, or to abide by the acts, of the preceding parliament, but may recede from the former or repeal the latter without the imputation of levity or inconſtancy. It is only conſidered as profiting by the errors of its predeceſſor.

The laws, which particularly relate to naval and military men employed in the ſervice of this country form a part of our *lex ſcripta*, and are compriſed in a few acts of parliament, of which the proviſions are, for the moſt part, clear and explicit. And ſuch of them, as are at all doubtful or ambiguous, are in this performance ſo fully explained and illuſtrated, that they can hardly be miſunderſtood.

In the firſt chapter of Vol. I. Mr. M'Arthur treats of laws in general. In it there are ſeveral obſervations, which, though they cannot

cannot be regarded as altogether new, are ſenſible and illuſtrative. Speaking of the vindicatory parts of laws he expreſſes his ſentiments on this ſubject in the laſt paragraph in the following words:

"Although many able writers have fully diſcuſſed the ſubject of *rewards* and *punishments* in criminal law, and while they have done honour to the cauſe of humanity and benevolence, by applauding thoſe who have diſplayed a greater deſire to reward for the prevention of crimes, than to inflict a puniſhment upon the authors of them for their reformation; yet our ableſt legiſlators, who have united the theory of juriſprudence with the practical knowledge of civil and military life, have tranſmitted to us the ſtrongeſt arguments in favour of mandatory and compulſory laws; ſince rewards in their nature can only perſuade and allure, and we find nothing is compulſory but puniſhment. And of all the parts of a law, the moſt effectual, ſays, Sir William Blackſtone, is the *vindicatory;* for it is but labour loſt to ſay, 'Do this, or avoid that,' unleſs we alſo declare, 'This ſhall be the conſequence of your non-compliance.'

In the ſecond chapter our author treats of the origin of courts martial, and the authority by which they are conſtituted. In this he goes back to the early part of our hiſtory, giving an account of the court of chivalry, and obſerves, that, from the time it was abridged of its criminal juriſdiction until after the reſtoration of Charles II. no regular court for the adminiſtration of martial law, either in the navy or army, had been eſtabliſhed. He then enumerates the different ſtatutes, under authority of which naval courts martial have been inſtituted. He alſo takes notice of the circumſtance, which gave riſe to the firſt mutiny act, that was paſſed only for ſix months, and adverts to the advantage, which ſeamen enjoy over people in the land ſervice, in having a ſpecific puniſhment annexed to each offence by act of parliament, in the following words.

"In the naval articles, contained in the act 22 Geo. II. almoſt every poſſible offence is ſet down, and the puniſhment annexed, in which reſpect the ſeamen have much the advantage over their brethren in the land ſervice, whoſe articles of war are not enacted by parliament, but framed from time to time at the pleaſure of the crown; which, with regard to military offences, hath a ſole and almoſt abſolute legiſlative power. For, by the mutiny act annually paſſed, for puniſhing mutiny and deſertion, and for the better payment of the army, and their quarters, 'his majeſty may form, make, and eſtabliſh articles of war, and conſtitute courts martial, with power to try any crime by ſuch articles, and inflict penalties by ſentence or judgment of the ſame, which articles ſhall be judicially taken notice of by all judges, and in all courts whatever; but it is at the ſame time provided, 'that no officer or ſoldier ſhall, by ſuch articles of war, be ſubjected to any puniſhment extending to life or limb, for any crime which is not expreſſed to be ſo puniſhable by the mutiny act.' This, Sir William Blackſtone obſerves, is a vaſt and important truſt! an unlimited power to create crimes, and annex to them any puniſhments, not extending to life or limb! Theſe are indeed forbidden to be inflicted, except for crimes declared to be ſo puniſhable by the mutiny act.

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"It cannot however escape the military reader's observation, that the annual consent of parliament being requisite to pass the mutiny act, by which the king is empowered to frame articles of war for the government and discipline of the army, the very existence of such army must therefore depend on this anunal act of the legislature; and, although practically it may be considered a standing army, as not being annually disbanded, yet theoretically it is no more than an army whose existence is sanctioned annually, in peace or in war, by the two houses of parliament and the will of the sovereign. The Bill of Rights declares a standing army in the time of peace, if with the consent of parliament, to be legal and constitutional.

It is certainly a very great discretionary power lodged in the crown to create, at pleasure, an unlimited number of new offences, and to annex any punishments to them, short of life or limb; and, were the mutiny act permanent, it would be pregnant with danger. But, as it is only annual, there is little danger of any abuse in the exercise of that power, without the speedy application of a remedy. In this chapter he also particularizes the different classes or sorts of persons, who can either sit on courts martial or be tried by them, and, like a friend to the constitution, takes care to put his readers in mind, that martial law is subordinate to the civil and municipal laws of the kingdom.

In the third chapter this judicious writer considers the fundamental laws by which naval and military courts martial are governed, and gives a classification of the offences comprehended in the naval and military articles of war under the four following general heads, with sensible and useful observations on each. 1st. Those that are immediately against God and religion: 2dly. Such as affect the executive power of the state or infer a criminal neglect of the established articles and rules of discipline in His Majesty's service: 3dly. Such as violate or transgress the rights and duties, which are owing to individuals or fellow subjects: and, 4thly. Offences in themselves strictly military and such as are peculiarly the object of martial law.

His fourth chapter relates to naval and military courts of enquiry, which, as they are not, strictly speaking, sanctioned by law, but have arisen out of custom and precedents, have been regarded by many as arbitrary and of ambiguous authority. He points out a method of removing or obviating the animadversions that have hitherto been made to the disadvantage of courts of this nature, and clearly proves, that they are founded in maxims of lenity and accommodation to the individuals, whose conduct is the subject of enquiry, and are, by no means, calculated for subjecting them either to inconvenience or punishment, being analogous to our grand juries. In justice to the writer however we must lay before our readers his own very sensible and judicious observations on this subject.

"When we consider the king as the supreme magistrate of the kingdom, and vested with the executive power of the law, as generalissimo, or first in military command, and as having the sole power of raising fleets and armies, he appears, *ex officio*, to possess an indubitable authority to appoint courts of enquiry,

enquiry, where it may be neceſſary, to examine into the conduct of individuals, and aſcertain what juſtifiable grounds there may be for bringing tranſgreſſors to trial, by the formality of a court martial. And it cannot eſcape the reader, how cloſe an analogy this court bears to the inſtitution of our grand jury; and, ſince it is eſtabliſhed for the ſame purpoſe as this much applauded part of our conſtitution, it ſeems entitled to our warmeſt commendation.

"In caſes of much importance in the navy and army, and where the facts to be inveſtigated by court martial are doubtful, and involved in a variety of collateral circumſtances, tending in the firſt inſtance to perplex and miſlead the judgment of the ſuperior power in forming a correct opinion, with reſpect to the criminality of the perſon ſuſpected; or where there are ſeveral perſons implicated in the ſame crime or offence, and doubts remain on whom the culpability ſhould fall or ought to attach; a court of enquiry in conformity to the inqueſt of a grand jury in civil courts of criminal juriſdiction, ſhould take the matter under inveſtigation, and, from the evidence before the members, report, to the power veſting them with authority to enquire, whether or not there be ſufficient grounds for bringing the perſon or perſons, whoſe conduct has been the ſubject of enquiry, to a court martial, in order that if found guilty judicially a puniſhment correſponding to to the offence may be inflicted.

"It is uſual for the king, or any commander to whom the power of aſſembling courts martial is delegated, to appoint courts of enquiry for examining either the conduct of officers of rank in the army, or the conduct of ſuch perſons as may be under a ſimilar predicament as that we have above noticed; in order to aſcertain whether there be or not ſufficient reaſons for bringing the charges before a court martial, that the party accuſed may have an opportunity of defending himſelf by exculpatory evidence, or otherwiſe judicially.

"In all doubtful caſes, courts of enquiry are uſeful, and the original intent of them appears to have ariſen from a lenient wiſh not to give unneceſſary trouble, either to the perſon whoſe conduct is the ſubject of enquiry, or to the aſſemblage of members neceſſary to compoſe a court martial, and which aſſemblage might ſometimes cauſe delays highly injurious and detrimental to the ſervice.

"A court of enquiry, by examining the evidence produced on both ſides in a ſummary manner, *viva voce*, is diveſted of all that formality and procraſtination incident to a court martial, and withal attended with leſs inconvenience to the ſervice, by having fewer numbers.

"Indeed it is a ſubject of regret that courts martial are frequently aſſembled for trivial offences, and the charges ſometimes unſupported by proof, and, being thereby rendered too familiar to the minds of officers and ſeamen, they loſe that ſolemnity and efficacy intended by the legiſlature. In this light courts of enquiry muſt be deemed uſeful, even by thoſe who animadvert on their legality; as few or none ever eſcape puniſhment, that are brought to trial at a court martial, in conſequence of charges grounded on the previous report or opinion of a court of enquiry.

"No oath is adminiſtered to the members or witneſſes at a court of enquiry, as at a court martial; and many people have queſtioned the legality of any witneſs being obliged to give teſtimony, or of the perſon, whoſe conduct is the ſubject of enquiry; being bound to plead before a court of enquiry, and for this obvious reaſon, that it might be more favourable to reſerve his evidence,

evidence, and the palliating circumſtances of the accuſation, until a legal court was conſtituted. Hence the report or opinion of a court of enquiry, upon circumſtances thus ſuppoſed to be ſuperficially inveſtigated, has been often complained of by the perſon ſubſequently brought to trial as having the tendency to bring forward a charge againſt himſelf, or to make unfavourable impreſſions on the minds of his judges, It is admitted, that there may be ſtrong reaſons of complaint againſt the report or opinion of a court of enquiry, upon which the ſubſequent trial by court martial is founded, ſhould the perſons appointed to make the enquiry ſtate the cauſes of ill conduct, or enter into a detail of circumſtances, that are apparently againſt the perſon whoſe conduct is the ſubject of enquiry. But when the report or opinion ſimply indicates, that there appears ſufficient cauſe or grounds to render a court martial neceſſary, and when it is conſidered, that the members compoſing the court of enquiry are not entitled to ſit as judges at the court martial, upon the ſame principle as the members of the grand jury are not allowed to be empannelled into the ſubſequent petty jury on the ſame cauſe, it ſurely then cannot operate againſt the individual tried thereat; for though an opinion, formed from the ſtriking circumſtances of the matter before the court of enquiry, may be ſubmitted to the judgment of thoſe who delegate the power for aſſembling a court martial, there can be no direct implication of guilt, until the individual has had a fair opportunity of exculpating himſelf, by the croſs-examination of the proſecutors evidence upon oath, when it comes to be inveſtigated at a court martial, as well as of thoſe witneſſes he may have to produce in ſupport of his defence.

"It muſt be acknowledged, that courts of enquiry are uſeful, in adjuſting diſputes ariſing between officers, and reconciling all differences and animoſities that may occur in ſervice, amidſt the various tempers and caprices of men. Theſe often are of ſuch a nature, that nothing criminal can perhaps be imputed to either party, if brought before a court martial; and courts of enquiry, in ſuch caſes, prevent much unneceſſary trouble, and do not materially retard or obſtruct the ſervice.

"Notwithſtanding what we have advanced reſpecting the extreme utility of courts of enquiry, and the invariable practice hitherto adopted, of returning a ſpecific report, or an opinion to the ſuperior power, by whoſe authority they are held, yet we may preſume to hazard an opinion, that if the members of a court of enquiry were in all caſes to deliver their opinion in general terms, as a grand jury do their verdict, by ſimply finding *a true bill or no bill*, or in other words, ſufficient grounds or no grounds for a court martial; it would be more congenial with the ſpirit of our conſtitution and in ſome meaſure do away the animadverſions hitherto made upon courts of this nature, of their being arbitrary, of ambiguous authority, and having no foundation in law.

In the fifth chapter the author treats of naval courts martial and of general, regimental, garriſon, and detachment courts martial. He has introduced into it much legal information reſpecting ſuch courts with a variety of curious and intereſting caſes particularly that of Serjeant Grant. Among other things, he gives the opinion of the Court of Common Pleas, Trinity Term, 1792, on a motion for a prohibition to prevent the execution of a ſentence paſſed againſt the ſaid Grant by a general court martial, delivered by Lord Loughborough,

rough, who, adverting to the caſe of Admiral Byng, ſays, that the ſentence pronounced againſt him was certainly an inaccurate one. At the very time when the prejudices againſt that unhappy man were at their height, every perſon of cool reflection, who, not influenced by ſelfiſh and political views, or led away by popular clamour artfully fomented, preſerved the privilege of thinking for himſelf, regarded it as a moſt iniquitous one. But after thoſe prejudices had ſubſided, and reaſon had reſumed her proper ſtation, many people did not ſcruple to brand it with a much harſher epithet than that of *inaccurate*. And to ſpeak of it in the mildeſt terms, we cannot help conſidering it as inconſiſtent with itſelf, and abſurd. For it cleared that unfortunate admiral of cowardice and diſaffection or want of zeal for the ſervice. We here call diſaffection want of zeal for the ſervice, as we cannot diſcover in what other way it could in time of action manifeſt itſelf. Now, if he was neither wanting in zeal for the ſervice, nor in courage to carry it into effect, as far as circumſtances permitted, how could he have been guilty of negligence? A man cannot be at once both zealous and negligent, eſpecially when he is engaged with an enemy.

In a treatiſe of this nature every exerciſe of a diſcretionary power, not delegated by act of parliament, was entitled to the author's particular attention. We muſt, therefore, extract his judicious remarks on one exerciſed by captains and commanders in the navy.

"There is a power which is exerciſed by captains and commanders, by their own authority, and merely reſulting from uſage, that has often been a topic of animadverſion in the ſervice, that is, the power of degrading a petty or non-commiſſioned officer, to the ſituation of an ordinary ſeaman, or ſwabber of decks, after he may have been rated on the books, maſter's mate, midſhipman, quarter-maſter, corporal, gunner's mate, or boatſwain's mate, &c. Although this power be not ſpecially recognized by the articles of war, or general printed inſtructions, yet it having been the uſage time immemorially for captains to exerciſe it, on proper occaſions, with due diſcretion, the juſtice and policy of the authority may perhaps be admitted. The captain being authorized to rate his ſhip's company, according to their capacities and merits, and for whoſe diſcipline he is reſponſible, it is but juſt, that, on conferring on any a rank, which, by bad conduct or demerits, the non-commiſſioned officer afterwards forfeits, he that gave ſuch rank ſhould have the power of taking it away. This authority, however, if abuſed, or made ſubſervient to the arbitrary will and pleaſure of a commanding officer, will bear moſt peculiarly hard, on young gentlemen, who may have been rated midſhipmen, and who, for ſome trivial offence, may be diſrated by their captain, and ordered to do duty in the waiſt or forecaſtle, as common ſeamen. Among the numberleſs regulations and innovations made by the adminiſtration of the Admiralty, under Lord St. Vincent, there is one, reſpecting the claſs of midſhipmen, which muſt meet with the approbation of the ſervice, although it certainly encroaches on the immemorial right and patronage of the captains. The regulation alluded to is, the Lords of the Admiralty appointing a certain number of midſhipmen to ſhips, who may have previouſly ſerved a limited time, and theſe gentlemen, thus appointed in contra-

diſtinction

diſtinction to thoſe rated by the captains, are known by the appellation of *Admiralty midſhipmen.* A queſtion naturally preſents itſelf, whether a captain or commander of a ſhip has the ſame power to degrade or diſrate a midſhipman appointed to his ſhip, by order of the Admiralty, as one whom he has of his own accord rated? Moſt unqueſtionably, the captain cannot exerciſe ſuch authority, in any other way than by bringing him to a court martial, for any miſconduct he may have been guilty of. Thus then we perceive a new diſtinction of rank and puniſhment created in the ſervice, and which militates againſt the eſtabliſhed uſage, both as encroaching on the captain's patronage, and partially diveſting him of the power and diſcretion he had, of degrading midſhipmen without the intervention of a court martial.

"It muſt not however be inferred from hence, that the author is an advocate for the continuance, either generally or partially, of the power with which the captain of a ſhip has been, from long uſage, veſted with reſpect to puniſhing, by degradation of rank or otherwiſe, the claſs of midſhipmen in the ſame manner as they can the other ſubordinate ranks, of petty or non-commiſſioned officers; on the contrary it is devoutly to be wiſhed, that the midſhipmen were put on a more reſpectable footing than heretofore, and that no commanding officer ſhould have the power of degrading them, but by the ſentence of a court martial. It is therefore to be much regretted that the claſſes of midſhipmen in the navy are not now upon an equal footing, with reſpect to the mode of puniſhment; and which the Lords of the Admiralty might with equal facility have carried into effect, as the partial regulation alluded to, by obtaining at the ſame time the ſanction of the King in Council, for giving them all admiralty or brevet commiſſions. Their Lordſhips would then have more efficiently acquired the patronage aimed at, by appointing, to particular ſhips, the claſs who might have ſerved the preſcribed time; and the captains ſhould have had the patronage of recommending to their Lordſhips, for brevet commiſſions to the ſhips they might command, the other junior midſhipmen who did not come under the Admiralty claſs. Hence the adoption of a liberal meaſure of this nature would not only put theſe gentlemen, forming a claſs of moſt uſeful officers, on an equal footing in the ſervice, but would make their ſituations more comfortable and reſpectable.

"The diſtinctions above noticed, and the arguments urged, cannot apply with equal force to the other petty or non-commiſſioned officers, ſuch as quarter-maſters, gunners-mates, boatſwains-mates, &c. who are raiſed by their captains, to their reſpective ſituations, from their previous tried merits as ſeaman, and their ſuppoſed qualifications for the new line of duty. Their promotion is both conferred and held at the pleaſure of the captain; and as the parties owe it to their merits, in ſubordinate ſituations, the inſtant they render themſelves unworthy of their rank, it is but juſt that the power, which conferred it on them, ſhould have alſo the authority of annulling it, and reducing the parties to their former ſituations."

In the laſt chapter of this volume, we have an account of the duties of a naval or military judge advocate, or deputy judge advocate, as ſanctioned and authoriſed by act of parliament, and the general printed inſtructions, by the mutiny act and military articles of war; and as confirmed by the opinions of counſel at different periods. Here theſe duties are circumſtantially pointed out, and ſatisfactorily explained.

plained. And with this chapter his obſervations on the principles of courts martial conclude.

Mr. M'Arthur, in the ſecond volume of this very uſeful work, treats of the *practice* of courts martial, delivering every article of information that is neceſſary or can be wiſhed for, reſpecting charges or accuſations, confinement or arreſts, the aſſembling and conſtituting of courts martial, the arraignment of priſoners, the competency of witneſſes, the rules and doctrine of evidence, with full and ample illuſtrations thereof, the degrees of guilt in naval and military crimes, the paſſing of ſentence, the remitting of puniſhments, pardon and execution. He introduces into it the military articles of war, examining and enumerating them under different heads or claſſes, viz. thoſe that inflict the puniſhment of death without any alternative; then thoſe, that inflict either death or a diſcretionary puniſhment; next thoſe, that inflict diſcretionary puniſhments; then thoſe, that puniſh with caſhiering, &c.

The appendix to theſe volumes contains naval articles of war with a variety of uſeful papers and documents neceſſarily referred to in the text, and a chronological liſt of trials by naval courts martial, from the commencement of the year 1750 to April 1793, in which is exhibited an authentic ſcale of crimes and puniſhments, from which ſuch courts in time to come may derive much aſſiſtance in proportioning the one to the other. The author informs us that he intended to bring this liſt down to the preſent day, but was prevented by a peremptory refuſal of the board of Admiralty, under the adminiſtration of the Earl of St. Vincent, to permit him to take extracts from its records reſpecting courts martial, although the Earl of Chatham had with great candour and liberality granted him free acceſs to them. This diſappointment of Mr. M'Arthur is a circumſtance much to be lamented, though it is not, perhaps, much to be wondered at. It is impoſſible for any perſon who is a ſlave to avarice to be either liberal or candid. Indeed, in ſtudying human nature, it will be found, that avarice exerciſes an unlimited and undivided ſway over the mind which it infeſts, and is incompatible with any good or generous quality: and a weak and artificial man, (we ſpeak generally) whenever he happens to be inveſted with powers and authority, for the due and proper exerciſe of which neither education nor nature has qualified him, moſtly plays the tyrant and becomes alike hoſtile to individual accommodation and to public information.

Mr. M'Arthur's work muſt prove highly intereſting and uſeful to people in the navy and army, as well as acceptable to many, who have no connexion with either of theſe profeſſions. And as to the author's ſtyle, it is in general chaſte, appoſite, and perſpicuous, ſuited to the ſubjects he treats on, and well calculated for communicating inſtruction.

Thoughts on the Proteſtant Aſcendancy in Ireland. With an Appendix. Pp. 108. Harding, London; Archer, Dublin. 1805.

THE object of this pamphlet is to perſuade the public, that the conduct of the Engliſh government has been throughout tyrannical with reſpect to Ireland; that the Iriſh have ever been a loyal and peaceable race, that the political doctrines of the Romiſh church, which have led our rulers to proceed with caution in the repeal of the Penal Laws, exiſt only in the heated and perverted imaginations of Proteſtants; and that the refuſal to place the Iriſh Papiſts on a footing in every reſpect with their proteſtant fellow-ſubjects, is both impolitic and unjuſt.

The hiſtory of Ireland as far back as we have any authentic hiſtory of that country, nay the ſcanty facts brought forward by this writer himſelf evince that the Iriſh have always been, inſtead of a peaceable race, a turbulent and ungovernable people. While they alone occupied the iſland, their fueds and barbarous warfare never ceaſed; and ſince their connexion with Britain, their appeal to the ſword has been ſo frequent, that the whole property of Ireland has changed hands by forfeitures and confiſcations, as appears by a paper inſerted in this pamphlet. Indeed ſome of the property muſt have been forfeited more than once, for the ſuperficial contents of Ireland are calculated at 11,042,042 acres, and in 1688, there had been confiſcated 11,697,629 acres! After this, it requires all the hardihood poſſeſſed by the preſent writer, to aſſert, as he does, that the Iriſh have "*always* ſupported the government under which they live." (P. 55.) We do not ſay the *rulers* have at all times employed the moſt effectual means to produce a change for the better, in this turbulent and ferocious character; but till the writer before us can annihilate the facts, of ages paſt, as well as thoſe of the preſent times, we muſt believe that ſuch is the character of the *governed*.

Having thus proved, in his own peculiar way, that the Iriſh have ever been orderly and peaceable; he goes on with equal ſucceſs to prove that the *infallible* Church of Rome (whoſe doctrines are therefore, as her preſent advocates unanimouſly tell us, *unchangeable*) never taught the political doctrines, which are the cauſe of Proteſtant alarm, and which have hitherto prevented our Legiſlature from communicating to the members of that Church *all* the political privileges of Britons. How does he complete this taſk which has been undertaken? Firſt of all by confeſſing that this *infallible* and *unchangeable* Church did really and truly in former times hold the doctrines in queſtion; and 2dly, by ſaying, (not proving) that "old things are done away, and lo! all things are become new." Staunch Papiſts will not thank him for this attack on the infallibility and unchangeableneſs of their Church. We leave him, however, to ſettle that buſineſs as he can; and ſhall only ſay, that his appeal for proof to the foreign Univerſities of the truth of his aſſertion is of no avail.

It is not to Univerſities that an application is to be made for the doctrines of the Church of Rome; but to the deciſions of that Church aſſembled in General Council, and confirmed by the Pope. It is not *from* Univerſities, when it was thought that a *certain kind* of anſwer would be *advantageous* to their brethren, that the *truth* was to be hoped for. They, accordingly, as was to be expected, gave an anſwer favourable to the *cauſe*, viz. that the obnoxious tenets were not doctrines of the Romiſh Church, nay, one of them declares that they never at any time had been doctrines of that Church. We can only ſay, that the decrees of General Councils, the univerſally acknowledged infallible ſource of Popiſh doctrines, are in flat contradiction to theſe Univerſity declarations.

The next proof brought forward in ſupport of his aſſertion, is what is called the declaration of the clergy of France in 1682. The writer is either unacquainted with the hiſtory of that tranſaction, or has unfairly ſuppreſſed the truth. As the anſwers of the foreign Univerſities were given, in the preſent day, in hopes of ſerving their Iriſh brethren, the declaration of the French Clergy was the act of a few French Biſhops, crouching under the deſpotiſm of Louis XIV. He had quarrelled with Innocent XI. on the ſubject of the Regale, and to mortify that Pope, convoked that aſſembly of 1682, and dictated its decrees; which are in ſubſtance; That God has not given to Peter or his ſucceſſors, any power either direct or indirect over the *temporals* of princes; and that the Pope cannot abſolve ſubjects from their oath of fidelity. This declaration, inſtead of containing, as the writer ſays, "a doctrine univerſal," inſtead of being an act of the *Church*, inſtead of being an act even of the Gallican Church, was the reluctant declaration of about thirty-five Biſhops, and of a few of the inferior clergy, who trembled at the rod of their ſovereign, and who were contented to be of the *ſtate* religion of the *moment*, rather than riſk the conſequences of oppoſition to the will of the monarch. This *univerſal* doctrine of the pamphleteer was anathematiſed by the Church of Rome, during the pontificates of three ſucceſſive Popes, Innocent XI. Alexander VIII. and Innocent XII. It was cenſured by the Univerſity of Louvain, by that Univerſity which, to ſerve the preſent purpoſe, ſolemnly aſſerts that the doctrine of the declaration is the doctrine of the Church of Rome. It was anſwered by the Primate and Clergy of Hungary; and it was not till many of the doctors of the Sorbonne had been baniſhed, that the remainder conſented to regiſter the declaration. The bulls neceſſary to ſanction the functions of the French Biſhops, were withheld by the ſucceſſor of St. Peter, and at the death of Innocent XI. twenty-nine Biſhops in France, being thus incapacitated, dared not to officiate at the altar. This ſchiſm continued for years, and was ended by the full eſtabliſhment of the *diſpenſing* and *depoſing* doctrines, under the pontificate of Innocent XII. Louis, ſubdued by age and reverſe of fortune, and under the guidance of prieſts, and of the ſuperſtitious Maintenon, permitted the Gallican Biſhops to return to their ancient

cient creed, and to write conciliating and repentant letters to their holy father, in which they ſay that "they were *grievouſly afflicted* at the proceedings of the aſſembly; and that they did not receive as *decided* what was *there decided*, nor as *ordained* what was *there ordained**." The proofs of this apologiſt for popery are rather of a ſingular kind, they confirm the very contrary of what he wiſhes to eſtabliſh.

Let us, however, go on, and ſee whether he will be more fortunate in another proof which he produces. That reſpectable body of men, the Engliſh members of the Church of Rome did, in 1788—9, ſolemnly diſavow the obnoxious doctrines of their church. This declaration is brought forward as a proof that the Church of Rome does not teach theſe doctrines. Here we meet with the ſame unfair ſuppreſſion of the truth which we noticed in his preceding proof. Of the political principles of the majority of the Engliſh Romaniſts, we think well, of thoſe of the majority of Iriſh Papiſts we have not the ſame opinion, for reaſons that are obvious, and which we could eaſily point out, were this the place for an inveſtigation of the kind; and the writer ſhould have recollected that it is the political principles of Iriſh Papiſts, and of the church under whoſe entire guidance they are, which we dread; to prove them guiltleſs of holding the obnoxious doctrines was the taſk he had undertaken, and which he has not performed.

The document which appears in his Appendix, is, no doubt, authentic, and evinces, we are willing to believe, the ſentiments of the majority of the Engliſh members of the Romiſh Church. But, in order to ſerve his purpoſe, he has played the ſame trick here that he did with regard to the declaration of the French Clergy: he has ſuppreſſed every thing that made againſt his cauſe. He has done this without its being poſſible for him to offer the ſame apology that he might, if preſſed, have done as to the imperfect ſtatement of the French declaration, viz. that his was a ſin of ignorance, that he ſtated all he knew, all that had been told him: the conſequences of the Engliſh declaration were notorious, of them he could not be ignorant; the ſuppreſſion is, therefore, wilful, it is bearing falſe-witneſs in a cauſe which, without it, could not be ſupported. Could the writer be ignorant of the interpoſition of the *infallible* and *unchangeable* Church of Rome by its vicars apoſtolic, when its Engliſh members offered to confirm the truth of their loyal ſentiments to their King and country by an oath? He could not be ignorant of it. When theſe men (in the words of the Catholic Committee) were about to offer "a ſolemn pledge of their principles as men, and as citizens, and a renunciation of ſuch tenets, as, if they held them, would render them unworthy of civil liberty, and the protection of the ſtate," the vicars apoſtolic ſtep in, and from the plenitude of their power,

* Siecle de Louis XIV.

pronounce their *veto*, declaring that " they *condemn* in the fulleſt manner the attempt of offering to parliament an oath including *doctrinal* matter to be there ſanctioned, which has not been approved by them the *vicars apoſtolic*, and they exhort the *faithful* to *oppoſe* every attempt of this nature." The ſame Catholic Committee will tell this apologiſt for Rome, that this is not the firſt time that the mandates of the pretended vicar of Chriſt have prevented Engliſhmen from giving to the government of their country every pledge in their power of their loyalty and obedience. It has ſpecifically mentioned the various attempts made by Engliſh Roman Catholics, from the reign of Queen Elizabeth to the preſent day, to give the moſt ſatisfactory pledges of their being good ſubjects, and laments that they were always fruſtrated by the *veto* of Rome. Such is this unvarniſhed ſtatement; very different indeed from what it appears in this writer's Appendix, without the neceſſary accompaniments; and however honourable it may be to the Engliſh members of the Romiſh perſuaſion, it certainly eſtabliſhes the truth of Proteſtant accuſations againſt the Church of Rome, and againſt all thoſe who, like the Iriſh Papiſts, are bigots of that Church. It is unlucky when the proofs advanced by a writer turn out againſt himſelf and his cauſe.

Having thus, in his own peculiar way, demonſtrated that the Church of Rome holds no doctrines inimical to the peace and ſafety of the Proteſtant Government of theſe realms, the writer inſiſts that we cannot, without being the moſt unjuſt and narrow-minded legiſlators, and without producing inevitable ruin to the State, refuſe to the Iriſh Papiſt, every privilege which Proteſtants enjoy. Our injuſtice he contrives to demonſtrate in his own tranſcendent manner; and as to our danger, ſhould we remain refractory, that is ſo evident, he ſays, that it demands no proof. The Papiſts, he tells us, are now, God knows how many to one in Ireland, and that they will never reſt till they have obtained *power*; what is worſe, he aſſures us, that the procreative powers of the Proteſtants bear no proportion to thoſe of the children of the Mother Church; and that the numerical ſuperiority will ſtill go on increaſing. Whether the old wizzard at Rome *a noué l'aiguillette* of poor proteſtants, or whether this ſtupendous phenomenon is produced by the celibacy of the Popiſh Clergy, he has not deigned to inform us. Nor does it ſignify—Whatever may be the numbers of the Romiſh perſuaſion in Ireland, we have good reaſon to believe, that the numbers, when party and faction are out of the queſtion, who are contented with the government under which they live, are preponderant, and we may prognoſticate without any danger of being deceived, that the numbers of *ſuch* will go on increaſing.

It is not ſurpriſing to find in this pamphlet a violent attack upon Tythes. The abolition of Tythes has of late become a hackneyed ſubject, from the vulgar and illiterate farmer, and agricultural ſurveyor, to perſons who ought to know better. From the manner in which the attack has been made by ſome of them, it is to be ſuſpected,

that

that they wiſhed to get rid of the Clergy as well as the Tythes. Of the others, we can only ſay, that they have hitherto offered no plan which does not rob the Clergy of their reſpectability and independance, and which, therefore, ſtrikes at the root of morality and religion.

We ſhould never have done were we to animadvert on all the objectionable paſſages in this publication, which are either violations of truth, or of an inflammatory tendency. The writer ſays that, by the Union, the Iriſh have fallen under "the dominion of *ſtrangers.*" (P. 12.)—That while the *Chriſtian* Papiſt is denied the rights enjoyed by his fellow-ſubjects, "the *law* allows the diſbelievers of all creeds, the *Infidel* and *Atheiſt*, who will only aſſent to what they deſpiſe, to fill all the Offices of State." (Pp. 41, 42.) On the contrary, Infidels and Atheiſts, *legally* known to be ſo, are puniſhable by *law*. He ſays ſomewhere in his pamphlet that, ſuppoſing Popiſh emancipation (as it is called) to take place, there would be only ſix or ſeven Popiſh members returned to Parliament. In anſwer to this ſtatement, we oppoſe a fact, which is far from confirming his aſſertions. When James II. was in Ireland, and popery triumphant, there were only three or four Proteſtant members returned by the Electors of that country. In page 68 we have the following attempt to defend the Romiſh prieſts againſt the imputation of being abettors of rebellion, and a moſt blundering piece of work it is. "It is true, that the influence of the Catholic Prieſts over the minds of their followers, has been much diminiſhed; and it is a fact well known, that in the *confeſſional*, *defenderiſm* was hardly ever avowed, though it be now *clear, that almoſt all Ireland was ſworn.*" We have ſtrong reaſons to doubt the decay of prieſtly influence in Ireland over the mais of the people: we have fully as ſtrong reaſon to doubt of defenderiſm being hardly ever avowed at confeſſion; but whatever may be in this, we have not the ſmalleſt doubt that the advocate who thus brands all Ireland with diſloyalty, in order to white waſh the popiſh prieſthood, muſt be conſidered as a miſerable advocate for the Iriſh, and certainly merits every thing but their thanks.

We cloſe our examination of this pamphlet with ſome remarks on the following paſſages.

"The *Roman Church*, which inculcated unreſerved and unlimited obedience to the ruling powers, in civil concerns, nevertheleſs allowed of ſome latitude in religious matters. The interference of temporal government in eccleſiaſtical affairs, was always the object of *their* abhorrence; and though *they* ſcrupled not, when *their* own worldly intereſts were concerned, to invade the properties of others, yet *they* never ſubmitted, without a ſtruggle, to any attacks upon *their* own. At preſent, indeed, the temper of the age has moderated the influence of all principles that are contrary to the general feelings of mankind. It muſt, however, be granted, that the portion of civil and religious liberty, which the Engliſhman enjoys under the Engliſh conſtitution, is not recommended by the tenets of the Catholic religion."

The writer has here boldly assumed as a truth what he either knew, or ought to have known to be a falsehood. The political principles of the Church of Rome have undergone no change; the power indeed of carrying them into practice has, from various causes, been considerably diminished; but, among other things of a similar kind, the interdict of the vicars apostolic against the pledge of loyalty offered, by the English Roman Catholics, is a convincing proof that the principles remain unchanged. Neither is it true that the Roman Church inculcated unreserved and unlimited obedience to the ruling powers in civil concerns. That obedience was inculcated only while rulers themselves were obedient in all things to that church; it reserved to itself the power of judging when they had passed the prescribed boundaries, and whenever it thought proper to decide that they had done so, instead of obedience, it preached rebellion to their subjects. Of this, innumerable proofs might be given, we only mention one, the Bull "*Unam Sanctam*," confirmed in the 5th Lateran council—"Both the *spiritual* and *temporal* swords are in the power of the *church*.—And, according to the testimony of truth, it is the spiritual power that ought to establish the temporal, and *decide whether it be good and lawful.*" Upon this principle, the church of Rome acted on every favourable occasion; and, as he himself tells us, "scrupled not to invade the property of others." How he came to make this confession we know not, unless it be from his unlucky propensity to the production of arguments against himself. The concluding sentence of our extract affords another instance of this unhappy propensity. He there confesses that "the tenets of the Catholic religion" are unpropitious to civil and religious liberty, and yet recommends the establishment of that religion by *law* in Ireland, the majority of whose inhabitants are, from circumstances, perhaps the most bigotted papists now existing.

We have only to add, that, throughout this pamphlet, it is maintained that the privileges withheld by government from papists, are withheld on account of their *religious* doctrines, than which nothing can be more unfounded, unless they consider their political principles as *essential* parts of their religion; which, from the conduct of the vicars apostolic, we must conclude to be the doctrine of the church of Rome in the present day—"*hæret lateri lethalis arundo.*"

Kotzebue's *Journey from Berlin to Paris.*

(Continued from P. 148.*)*

AS the principal intent of our author was to examine and criticise the various objects afforded by the capital of France, his remarks on the way thither are but cursory; nevertheless he has noticed, in an interesting manner, many circumstances in the towns through which he passed, which other travellers of celebrity have either neglected,

glected, or have thought too trivial to mention. At Heilbronn he found many curious ancient manuſcripts, particularly ſeveral by Goertz of Berlichingen, a character who has called forth the talents of ſeveral German literati of the higheſt reputation. Such relics muſt impart a pleaſing and awful ſenſation to any perſon of refined intellect: the fancy of ſuch a perſon muſt pourtray in the moſt lively manner the form, the character, and adventures of its celebrated author, and he might conceive the features of his face on the ſpot on which he happened to reſt his hand. The diſappointment which Kotzebue met with at Heilbronn, when inquiring of the keeper of the archives for the manuſcripts of Goertz, cannot fail to induce many reflections on the appointment of men to places of truſt, for which they are totally incapacitated either by nature or education. The keeper of the archives had, it ſeems, been accuſtomed to take his fee for ſhewing nothing but a number of preſſes filled with ancient parchment: perhaps he was never before requeſted to make a ſelection from their contents; but after looking with ſome anxiety for the manuſcript which Kotzebue demanded, he took down his ladder and confeſſed his inability to find it. Thus the valuable relics of antiquity at Heilbronn may be ſaid to be loſt to the world, as from the want of ability of the perſon who has them in charge, they are only ſo many maſſes of paper and parchment.

"If I cannot ſee the letters, thought I, I will at leaſt viſit the ancient tower in which Goetz was confined: I will walk and ſtand on the very ſpot where this rude but honeſt man endured the taunts of the ſenators of Heilbronn. I thought every child could have pointed out this tower; but found myſelf much miſtaken. I aſked at leaſt a dozen perſons of different deſcriptions, none of whom knew what I meant, or had ever heard the name of the honeſt knight as much as mentioned. Thus it remains a melancholy truth that, in a few centuries, a celebrated man is forgotten in the place where he once lived. Alas! all the great and good actions of man are only for diſtant poſterity; they who ſurround him, behold them with indifference, or will not ſee them at all. At laſt I found a police-officer who promiſed to ſhew me the tower. He went and fetched a large bundle of keys, conducted me, by one of the dirtieſt corners of the town, to an old ſquare tower up ſeveral crazy flights of ſtairs, from the terrace or platform of which there is a fine proſpect! 'But where is Berlichingen's priſon?' He offered to open it, informing me, however, that two criminals were juſt then confined in it. 'What, is this priſon ſtill made uſe of?'—'To be ſure!'—'It is not kept, then, as an intereſting monument of antiquity?'—'Oh, no: we want room; it has even been divided by partitions, in order that it may contain more malefactors.'—'Has it?—then ſay no more.' I beheld the door of the priſon from the outſide; it was in the uppermoſt ſtory and very low. Goetz, who did not like ſtooping, muſt have ſtooped amazingly when he entered it. I walked indignantly down ſtairs. What a pity, that centuries have not been ſufficient to inſpire the Senate of Heilbronn with more reſpectful ſentiments towards Goetz of Berlichingen!"

After ſome trivial remarks on Stuttgard, Hechingen, and Duttlingen, our author mentions his arrival at Zurich, and launches into the moſt

moſt unqualified deſcription of the romantic beauties of Switzerland. He is very juſtly of opinion that pictureſque deſcriptions of that delightful country fall ſo far ſhort of reality as to convey no ſtriking image to the mind, and that it is as neceſſary for a perſon to ſee Switzerland with his own eyes, as to hear a concert with his own ears.

The fall of the Rhine did not equal his expectation, but he is at a loſs to expreſs his admiration of the icy mountains from Bugeli acroſs the lake, as ſeen from the Sword Inn.

"The room is a corner room. If you open a window to the left, you ſee the river *Limmat* below you, with a very broad bridge over it, lined on both ſides with women ſelling fruit and vegetables, with groups of French chaſſeurs walking among them. The main-guard of theſe ſoldiers is on the oppoſite ſide of the bridge. You cannot conceive what ſtir and buſtle prevail here. Downwards to the left, you ſee, along the river, two long ſtreets and a part of the town. If you open the window on the right, you behold, at your feet, an open country, and ſtrait before you the Lake of Zurich, ſurrounded by charming villas, and ſkirted by the Alps, on whoſe ſummits the ſnowy cliffs rear their hoary heads.

"This amphitheatre, forming a contraſt of poliſhed and rude nature, together with the buſtle of men immediately below, is incomparable. The beautiful walks about Zurich would even tempt the gouty to exerciſe.

"Geſner's monument is a performance of ſuch ſimplicity and neatneſs, that you can ſcarcely withold the tribute of a tear. It is a pity that the French chaſſeurs, who have now no other opportunity to perpetuate their name, endeavour to do it upon this marble. In many parts I found ſcrawled the *13th regiment of chasseurs*, which is really as oppoſite to the world of Idyls, as a muſket to a roſe tree.

"In the library there are a great many books: an ordinary traveller can ſeldom ſay more of ſuch an eſtabliſhment. A couple of letters, in the hand-writing of the celebrated Jane Grey, intereſted me. They are on religious ſubjects in very good Latin, and as finely writen as if by the hand of a writing-maſter.

"I had but a haſty glance of Lavater's cabinet of phyſiognomy. What is moſt remarkable in it does not ſo much conſiſt in the multiplicitty of faces he has collected, as in the ſuperscriptions with which he honoured every ſignificant or inſignificant countenance. Sometimes it ſeems to have coſt him a great deal of trouble to compreſs much of what is rare in obſcure or new-fangled words.

"The temper of the Swiſs ſtill reſembles the ruffled ſurface of the deep, out of which a ſubterraneous fire has ſuddenly projected ſome rocks, againſt which the confined ſurges daſh their impotent ſpray. The walls of the public-houſes are often covered with bitter ſallies, which are ſometimes not without point.

"The Swiſs cheriſh the moſt inveterate hatred againſt General Andermatt, the bombarder of Zurich. He lives retired at his country houſe, where he is ſkreened from the general contempt.

"The Swiſs do not speak favourable of the Ruſſians. They praiſe General Korſakow for his love of literature and the ſciences, but they will not allow him to be a good general. Being once informed that the French had occupied a mountain which commands Zurich, he anſwered: *Tant mieux! C'est la que je les attendois!* 'So much the better! It is there I expected them.'

them.' He was ſoon afterwards compelled to retreat, and that without knowing through which gate he was to effect his flight. The people of Zurich were obliged to ſhew him the way. On this occaſion he loſt his baggage; the French huſſars took a great deal of booty, and had ſo many cumberſome French crowns in their caps, that they gladly gave from ten to fifteen of them for one *louis d'or*, finding it more convenient to carry off the gold. If you wiſh to hear many remarkable ancedotes which have not yet been made public, but which throw great light upon the events of that period, you ought to go to Zurich."

We fear, nay we know, that equal, and even far greater atrocities have been committed by the Gallic marauders in other parts of the continent than in Switzerland, for the very obvious reaſon that Italy, Holland, and the low countries, afforded greater incentives to plunder. If, however, Kotzebue, the former advocate and partizan of the revolutionary fanatics, being an eye witneſs of the effects of their rapacity, could ſee ſo much at Zurich as to diſguſt him with their ſyſtematic cruelty and fraud, how great muſt have been their exceſſes!

We cannot help noticing a fact which we have often had opportunities of proving to demonſtration: it is that the French, wherever they have appeared, have moſt extenſively corrupted the morals of the people. Even in Switzerland, ſince their arrival under the Generals of the Directory, ſo much had profligacy increaſed, that Kotzebue ſaw commands from the magiſtracy poſted up in every part of Baden, enjoining a proper celebration of the Lord's Day, prohibiting gaming, and ordering all married women to go to church, and to dreſs with that decorum which is due to the ſanctity of the place and to *modeſty!* Indeed ſo far have the formerly baſhful females of Switzerland imitated the manners of their invaders that the young women now dreſs even in a diſguſting ſtyle of indecency. We cannot but expreſs our approbation of the conduct of the magiſtracy at Baden: their interference to correct the manners of the people ſhews at leaſt an *attempt* to preſerve them; for, as the writer under our review beautifully obſerves, "Decayed buildings are uſually propped up, that they may not overwhelm the unwary paſſenger; but degeneracy of manners, which only poiſons the mind, is ſuffered to extend its ravages like the worm in timber, till men become as ſapleſs as trees in a rifled wood."

Amongſt the *curioſities* of Geneva our author, to his great *regret*, miſſed ſight of the celebrated Madame de Stael, but as an adequate compenſation for this diſappointment he viſited Ferney, the reſidence of Voltaire. This deſire will not appear ſurpriſing to thoſe who recollect the congeniality of ſentiment between the deceaſed bard and the philoſopher before us.

"It was not," ſays he, "for the ſake of what is called the caſtle of Ferney that I came hither; I wiſhed only to enter the place where Voltaire had lived, walked, and compoſed his poems; I wiſhed to feaſt on the ſenſations which, in ſuch a place, a ſuſceptible fancy ſo eaſily creates. The houſe now belongs to a merchant whoſe name I do not recollect; but he

ſhews

ſhews reſpect for Voltaire's memory, by leaving his bedchamber exactly as it was when inhabited by the philoſopher.

"There I ſtill found his bed with the faded curtains of yellow ſilk; there ſtill hung *le Kain's* portrait, that of Frederic the Great; a piece of embroidery of the Empreſs Catherine, and many other articles of the ſame kind. In a niche was an urn, in which his heart had been encloſed, with this inſcription: '*I am ſatisfied, ſince my heart remains among you.*'

"In another room we found a billiard table on which he uſed to play, and—a living relic, too, walks about the houſe, an old prieſt, who had lived nine years with Voltaire. I cannot find words for the peculiar melancholy caſt of my feelings on beholding him."

After a charming deſcription of the road and towns between Geneva and Paris, together with many uſeful obſervations for the benefit of thoſe who travel in France, our author conducts us to the capital. As the amuſements of a nation are the moſt ſtriking characteriſtics of its manners, M. Kotzebue enters upon a very pleaſing detail of thoſe of the Pariſians, many of which he has inveſtigated with more preciſion than any former or cotemporary touriſt.

"At the corners of every ſtreet," ſays he, "you find cunning people, who in every poſſible manner allure paſſengers, to announce to them infallibly, what numbers will be prizes in the next drawing of the numerous French lotteries; and ſuch a prophet has always a crowded circle about him. This dirty wheel of fortune which is made of glaſs has a hole on the top; the ragged fellow who ſtands behind it, has made a kind of an inſtrument of the back bone of a gooſe, which he applies to the hole with great gravity, and almoſt without moving his lips imitates the ſpeaking of Punch, which ſounds exactly as if ſome little demon were ſitting in the wheel, and addreſſing the auditors. If the curious draw near, the goose's bone ſuddenly jumps off the hole, and the ghoſtly voice invites the byſtanders, whoſe hands are already in motion, under the moſt ſplendid aſſurances of drawing the numbers which are to be prizes. Two ſous is the uſual price of all ſuch never-failing prophecies. A little farther another has a large board with *letters* expoſed. Tell him only your initials, he immediately draws your name from the board, and in a hole behind it, finds you all you deſire to know. This way of divination has been found too ſimple by a third. Behold that table where all ſorts of neat little figures are driven round by clock-work. At firſt ſight, it does not look at all like the ſanctuary of a lottery prophet: but you will ſoon perceive, that on the middle pole which goes through the table, a zodiac is faſtened over the puppets, in which the months are inſcribed, and which turns round with them. Higher up you behold another circle bearing the ninety numbers. Now only pleaſe to touch with your finger the puppet you think moſt endowed with the gift of ſoothſaying; for inſtance, this Turkiſh Emperor, who holds his ſceptre ſo majeſtically high; all the figures immediately begin to run, the zodiac turns round, as do the numbers, and you wait in patience for the reſult. Now the clock-work is run down, the Emperor of Turkey ſtands ſtill and points with his ſceptre to the month of Auguſt, exactly above which is No. 78. Can any thing be more natural and certain than that by taking this number for this month, you will win great ſums upon it? You laugh that people ſhould thus ſeriouſly give themſelves up to children's play.

Begging

Begging your pardon, is it, in fact, doing more than a philoſopher, who, taking his chair, draws up with two demonſtrating fingers the curtain of futurity, as he would unroll a piece of paper?

"Let us go farther, and ſee the brilliant inſcription: *The golden chain of fate.* This valuable chain conſiſts of ninety caſes, or wrappers of gilt paper, which are wound on a wheel, like yarn to be unreeled, and turned by a blind man. You chooſe one of theſe paper caſes, the blind man opens it, and the number it contains again makes your fortune. But ſhould you be abſolutely determined not to make it in the lottery, you will at leaſt be curious enough to learn your future deſtinies, and the paſt likewiſe if you pleaſe. In front of the *Pont Neuf* ſtands a conjuror, who expreſsly announces himſelf to be *privileged by the police*, and who has devoted his talent chiefly to the lottery, as men had much rather win money, than look into futurity. At your deſire the ſame perſonage opens you the book of fate for two ſous, and with wonderous fluency of ſpeech, relates to you all that *has* happened and *will* happen. Though twenty people, one after another, different by profeſſion, age and ſex, ſhould all appeal to his ſkill, it does not put him out of countenance; he ſtares at one after the other, reads in their eyes and whole countenance, ſpeaks to each for at leaſt two minutes, is very grave all the while, makes uſe of the choiceſt terms of language, ſays in about half an hour, (ſo long I imagine I ſtaid) certainly not the ſame thing twice over, never ſtops or ſtammers, makes a ſlight bow at laſt; aſks for nothing, addreſſes thoſe who follow, takes what the preceding drop into his hand, and puts it into his pocket without looking at it. This man, in any other ſituation, would certainly have been an excellent ſpeaker. The countenances of his conſulters, form the moſt diverting part of the ſcene. The utmoſt devotion, perfect reſignation, and firm belief, are deeply impreſſed in every feature. As the man always expreſſes himſelf, particularly relative to the paſt, with ſuch artful duplicity, he cannot fail, with the help of his ingenious powers of fancy, to hit the truth with regard to ſeveral of his hearers. I have often remarked, with what amazement people ſtared at him, and how many a lady turned away with tears in her eyes. Thus the ſame Pariſians who but a few years ago carried about the Goddeſs of Reaſon, though only on their ſhoulders, believe in divination and ſurround by hundreds the firſt pretended prophet they meet.

"A Frenchman poſſeſſes an inexhauſtible fund of polite and agreeable turns, which, though every one knows they are unmeaning, yet draw an approving ſmile from all his hearers. There ſtands a fellow twiſting a puppet's coat on his fore-finger, and ſometimes letting a little devil peep out, waving his hand briſkly towards heaven, and exclaiming, *there he flies!* This flat and ſtale joke he ſeaſons very admirably with a ready account of every thing the little imp will ſee in his flight over Paris; now he ſees the gun boats on the Seine, of which he adds a pompous deſcription; now a young lady juſt riſing from bed, whom he deſcribes with every poſſible faſcination. Ample as is the matter with which he is furniſhed by his flying devil, *(diable volant)* copied from the Devil upon Two Sticks *(diable boiteux)*, ſtill he knows how to change his amuſements in a clever manner. He ſuddenly calls a boy out of the crowd, who may be about ten years of age. Putting his hand on his head, he aſks him very ſolemnly, 'Are you married, my lad?' The youngſter ſtares at him, and ſays 'No.'—'Swear then,' continues the jeſter with a gruff voice, 'ſwear that you are not married.'

"The

" The boy is obliged to hold up his hand and ſwear, 'Now I'll make thy fortune.' He gives him a box and promiſes to conjure ſo many hundred Louis d'ors into it. But before he begins his hocus pocus, he very genteelly addreſſes the public, ſaying, 'You will perhaps aſk, gentlemen, why, with this facility of making gold, I do not make my own fortune? 'Tis becauſe it is already made. All that I am doing here, is entirely for your amuſement.' He now conjures the box full of gold; at leaſt it becomes as heavy in the hand, as if there were really gold in it. To be ſure, on opening it, nothing is found but a ſtone. But, can the conjurer help it, that the boy is a natural or illegitimate child, or owes, at leaſt, his ſuppoſed legitimacy to his mother having told a tale about his real origin? He declares with an arch look, that he very ſeldom meets with inſtances of the kind, that ſuch things ſeldom occur at Paris, and quickly digreſſes to ſome other ſubject.

" All theſe are only jokes for the populace, but they are really delivered without offending decency, and are indeed not without wit."

We muſt appriſe our readers that we have refrained from quoting ſuch amuſements as we remember to have ſeen deſcribed in the work of any modern traveller.

In order to afford every poſſible degree of entertainment to his fair friend, for whoſe amuſement our author commits his remarks to paper, he ſuffers no object to eſcape his attention; and yet an intereſt is inceſſantly kept up, by the ſimplicity of his deſcriptions. In the continuance of his obſervations on the art of obtaining a livelihood in Paris, he is ſtruck with various means which to us appear trivial, in conſequence of their ſimilarity to the common practices of the lower claſs of ſociety in our own capital. We ſhall therefore paſs to ſome efforts of ingenuity which are well deſerving of encouragement.

" Let us enter this booth, where the inſcription announces a wonder. *He who will not believe, let him come and see!* What, pray?—A flea drawing an elephant; a flea conducting a carriage with ſix horſes carrying ladies and gentlemen; a flea on whoſe foot a metal ball has been faſtened with a golden chain, with which he merrily leaps to and fro. All this is not fiction. A man has really taken the vaſt trouble to make the elephant, carriage, chain, &c. of gold, ſo very ſmall, and to faſten them to the flea. But ſtill more ludicrous and more inventive is the artiſt's producing two flies fighting a duel with the ſmall ſword. It is thus contrived: two flies are faſtened to two needles, placed perpendicularly behind their wings, ſo that they keep their ſix legs ſtretched out before them. They are fixed very nearly facing each other, and a little ball of cork is then given to each of them, in which is faſtened a ſmall ſtraw. As ſoon as this ball touches their feet, they endeavour to ſeize it to hold themſelves by: upon this touch the ball keeps moving backwards and forwards, and conſequently the ſtraw turns, againſt the enemy. Each party moving in the ſame manner, the two ſtraws often claſh together like two ſwords; and this conſtitutes the duel of the flies."

The induſtry of the profeſſed mendicants, particularly the blind, excited all his ſympathy, as they appeared to him to poſſeſs very conſiderable ſkill in muſic. A group of unfortunate children ſtruck him with

with a ſentiment of piety which he found it difficult to overcome till he had reaſon to believe them impoſtors.

"In the *Rue Vivienne* I have ſeen, for more than three weeks, yet always in the evening when it was dark, three wretched children lying in the mud. The eldeſt, a boy of about ten years, ſat reclined againſt the wall, holding on his lap another wrapped in rags, three years old at fartheſt, and uſually moaning. By his ſide ſat or lay a third ſymbol of miſery, about five years old. Theſe children did not beg; but had the end of a tallow-candle placed before them, near which, upon a rag, lay a paper with the following ſimple and moving inſcription: '*We have neither father nor mother.*' Few of the paſſengers remained unmoved, and the ſtreets being much frequented, they always obtained a rich harveſt. With pleaſure I remarked that the ſoldiers in particular gave, and gave the moſt. One night I found one of thoſe people deeply affected. He wore large black whiſkers, which, in wild contraſt with the emotion of the muſcles of his face, lighted by the glimmer of the candle, threw their ſhade upon a tear. He ſurveyed the group for ſome minutes in ſilence; the poor little wretch was juſt whining dolefully, becauſe it was cold. The ſoldier briſkly put his hand into his pocket, gave to the elder boy two pieces of ſilver coin (I belive two twelve ſous pieces), on condition of his carrying the child home immediately and warming it. He repeated this condition three or four times, and made the boy as often promiſe to perform it. He then retired. As he turned round, I accoſted him: 'You certainly are a father?' ſaid I.—'*Oui, Monsieur*,' anſwered he, rather roughly, and haſtened away. I ſtopped ſome time to ſee whether the boy would keep his promiſe and take the children home; but he did not. That the police ſhould have ſuffered ſuch a ſcene for ſo many weeks, does not pleaſe me. It ſeems almoſt impoſſible that the poor children ſhould remain in health all the winter.

"In Paris beggars ſeldom or never aſk charity. You only hear, at times, *Monsieur, je meurs de faim* (Sir, I am ſtarving), whiſpered behind you. Every pauper endeavours to eſtabliſh a kind of juſt claim to what is given him. One runs with a broom in his hand, when he ſees a perſon croſſing a dirty part of the ſtreet, and quickly ſweeps away the mud; another profits by a ſhower, which fills the middle of the ſtreets with water, lays a plank acroſs, and in a friendly manner helps you over. He judges who can afford to give him ſomething by their clothes: all that he ſuppoſes to be poor, he ſuffers to paſs gratis; and, if a handſome girl appears, he eſcorts her with the utmoſt gallantry."

From the whole of his obſervations on vagrancy it muſt be evident that vice and profligacy are incomparably more extenſive in Paris than in any other capital of civilized Europe.

Our author afterwards adverts to the conduct of Buonaparté, to conſider whom as a *hero* or a *ſtateſman* he conceives would be *uſeleſs* and *impertinent*, becauſe deeds crowned with ſucceſs are always heroic exploits. The inference that poſterity will form a judgment of the tyrant, is undoubtedly juſt; and we are convinced that the deſcendants, at leaſt of his own miſerable ſlaves, will at no diſtant period openly execrate his memory. In the opinion of Kotzebue nothing but uninterrupted tranquillity for a ſeries of years can conſolidate his power; though

though all who know his ſanguinary nature are convinced that war is neceſſary to his political exiſtence, inaſmuch as it ſucceſsfully diverts the attention of the people from the iron rod which is ſuſpended over them.

There is ſtill one very remarkable performance of a veteran mountebank, the means of which are to us incomprehenſible. It is that of the incombuſtible Spaniard, whoſe feats our author deſcribes in the following words.

"Do you ſee that jar of oil, bubbling and boiling over a coal fire; the young man, who takes it off, drinks a hearty draught of its burning contents without diſtorting a feature, rinſes his mouth for a long time with it as if it were freſh water, and ſpits it out ſtill boiling; he then, with the remainder of the oil in the pot, waſhes his hands, arms, face, and even eyes, which, however, he ſhuts. Having been purified by the fire, like the aſbeſtos, he takes a walk, by way of change, with his naked feet upon a piece of red hot iron, and to refreſh himſelf, he even licks the glowing metal with his tongue. If this poor youth be equally inſenſible to the flames of love, he is doubly to be pitied. All this is no impoſture, but really happens as I have now related; but whether, as ſome aſſert, he cauſes a kind of ſalamander-ointment to be rubbed into his ſkin, which is not to be perceived, I ſhall leave undetermined."

An exhibition of Canary-birds is alſo highly intereſting, as they perform various arts and operations directly contrary to their nature. One turns a ſpit, another drives his fellow in a wheelbarrow, a third ſtands ſentry with his gun, ſword, and grenadier's cap; a fourth does not ſtir from his maſter's ſhoulder, though he beat the drum loud enough to make one run away; a fifth fires a cannon, the burning cork of which knocks a ſixth down from the table, and leaves him on the ground for dead; a ſeventh ſits in the very middle of a flaming wheel, as quiet and merry as if perched upon a roſe-buſh in his native iſland, &c.

The firſt volume concludes with an unqualified eulogium upon Madame Recamier, whom the author conſiders as a beautiful flower covered with a brood of devouring caterpillars which cannot be ſhaken off without injury to the flower itſelf. In the opinion of Kotzebue no female can be more good, modeſt, amiable, or divine in perſonal charms; but her beauty vaniſhes before her virtue. We are indeed aſſured by her literary advocate, that ſhe is *enthuſiaſtic in her friendſhip*, and ready to make *great ſacrifices* to thoſe whom ſhe regards, though ſhe rigidly obſerves the dictates of a wife towards an *honeſt* huſband, who is old enough to be her father. What may be the nature of the *great ſacrifices* which a woman can make to a male friend without violating the duties of *a wife*, we are not adepts enough in the morality of modern times to diſcover. But we have not forgotten the ſacrifice of Mrs. Haller, in the Stranger, which Kotzebue may defend as "a fault partly congenial to the female character in general;" and we alſo remember the *figure* which the *amiable* Madame Recamier made amongſt our own abandoned women of faſhion about three years

ago,

ago, as well as the meretricious manner in which she was drawn by her own desire, and an engraving from which still disgusts the eye, at least of British modesty, in all our print sh ps.

But one circumstance occurs relative to this unparallelled, this "fairest piece of well formed earth," with which we were not before acquainted: it is that she can lay claim to little more understanding than falls to the share of an ideot. Yet says Kotzebue—

"Those who envy this lovely woman, despairing of success in their attacks upon her *modesty* and *virtue*, endeavour, by a shrug of the shoulder, to undervalue her understanding. Indeed, if she alone is to be called intelligent, who manages philosophy as readily as a pin, who talks of the arts in flowery language, who, without reflection, pronounces her opinion of all the modern productions of literature, who abuses men of merit and espouses parties, then Madam Recamier is not an intelligent lady. She is none of those fair ones who court publicity, who distribute colours among different corps of volunteers, under which they cannot themselves fight (a vast proof of her understanding). But if sound reason, if an understanding untainted with prejudice, if pure sensibility for all that is noble and beautiful wheresoever, or from whomsoever it originates, if a ready acquiescence in the *sublime truths of nature*, and in the *charming illusions of art*—if all this give a lady a title to a good understanding, Madam Recamier is a very intelligent lady; and, heaven grant! that, for the happiness of all husbands, and for the advantage of feminine loveliness in general, ladies never were endowed with a brighter understanding."

But we afterwards learn that our author had an opportunity of ascertaining this lady's understanding by her *conversation* with him in a carriage, in which he informs us she *opened her heart*. We will proceed no farther in dispute of his penetration!

The second volume of this pleasing work poss.sses a vast fund of entertainment. The remarks of the author on the Museum of French Monuments place his talents as a writer of general knowledge in the most favourable point of view. In the early periods of the revolution, when all the venerable relics of art and piety were mutilated and destroyed by the ruthless hand of modern Vandalism, Alexander Le Noir, a respected and opulent individual, who had a great veneration for antiquities collected from all the castles, convents, and churches upwards of six hundred famous monuments, many of which take their date from the sixth century. When the horrid excesses of the revolutionary fanatics had subsided, the government patronized this meritorious collector, and gave him the suppressed convent of Augustine monks, called *des petits Augustins*, as a repository for the exhibition of his treasures, and have since even caused engravings to be published of them. Our author, in his examination of these relics, introduces many striking anecdotes of the times in which they were executed; while his critical remarks often display considerable acumen, though he "ever and anon" enforces a request upon his reader, that he may not be considered as a *connoisseur*. We shall select a few passages from this part of the volume, as they will shew to the reader

who travelled before the revolution, what relics have been preſerved. After proceeding through ſeveral apartments filled with remnants of the antique, a ſtrange ſepulchral monument of the 6th century caught his attention.

" It is conſecrated to Dagobert I. who, ſtained his victories with luſt and cruelty; who, without reckoning his concubines, was at one time betrothed to three queens. But he expiated all his ſins, and was numbered among the ſaints, by building the Abby of St. Dennis. His epitaph relates in the moſt ludicrous *basso-relievos*, how he fared after his death. Begin from below, where Dagobert's corps lies extended. A little higher up follows a boat full of devils, who are holding faſt Dagobert's ſoul, and tormenting it. If the artiſt deſigned to repreſent the devils as ugly and frightful, he has wholly miſſed his aim, for they are all grotesque figures, with human bodies, and the heads of frogs, dogs, &c. In order to ſhew that the man, whom the demons are thus teazing and tormenting, is not in reality a man, but merely a ſoul, the artiſt has not repreſented his ſexual diſtinction. Perhaps he was not altogether miſtaken. But had he in the ſame manner repreſented him as wanting a *stomach*, he would at leaſt have excluded every thing that prevents a man from being a *soul*. Farther up you ſee beſides two angels, St. Dennis and St. Martin, whom Dagobert invoked in his diſtreſs, and who retook the royal prize from the devils, on which occaſion ſeveral imps of hell, with frogs heads, tumble in a moſt laughable poſture into the water. Still higher, the ſoul, between its two deliverers, ſtands enveloped in a linen cloth, perfumed by angels with cenſors of frankincenſe. At the very ſummit the ſaints are kneeling before Abraham, whom they beg to receive the ſoul into his capacious boſom. A couple of ſtatues are likewiſe to be ſeen, formerly placed on both ſides of the monument, the one Nantilda, wife of Dagobert, the other their ſon Clovis. With more ſerious feelings, uttering both curſes and bleſſings, I now ſtand between the monuments of *Fredegunda* and *Bertruda*; the former murdered her own huſband, and was an enemy to God and man; the latter was indefatigably employed in ſoftening, by her feminine gentleneſs the rude diſpoſition of her huſband, and ſaving every victim deſtined to deſtruction by his blood-thirſty tyranny. The ſon of Fredegunda, Clotaire II. was her huſband, and he himſelf ordered both monuments to be erected.

" What an oppreſſive ſenſation of woe ſeized me upon ſtepping into that cloſet, whoſe ſtyle of architecture announces the twelfth century. O! theſe pillars, theſe ruins, once belonged to the *Paraclete*, and in the middle of them is a tomb—'tis ABELARD'S! the identical ſepulchre which Peter the venerable dedicated to his friend. Here lies Abelard, with his head reclined, and his hands folded. Near him repoſes his faithful miſtreſs; and the heads of theſe intereſting figures are impreſſions taken by the ſculptor; and what is more than all, this tomb actually contains the united aſhes of the two lovers. Every loving couple, who are ſo happy as to viſit the thouſand curioſities of Paris hand in hand, ſhould renew the oath of fidelity at this tomb. Let them caſt a look of contempt as they paſs by on yonder toubtone, which covered the bones of Abelard's perſecutor, the Abbé Adam. This blind fanatic, as abbot of St. Dennis, ordered Abelard's incarceration, becauſe he dared to utter the unheard-of hereſy, that the bones kept as the relics of St. Dionyſius, or Dennis, were not the real bones of that holy Areopagite, who had never been in France.

" That

"That little box, decorated with ivory and tortoiſeſhell, deſerves, by all means, a look of curioſity. Louis XI. brought it back from his cruſade in Paleſtine, full of relics, and it has ſince been worſhipped in the holy chapel at Paris as a relic, though its *bas-reliefs* very plainly repreſent the expedition of the Argonauts in queſt of the golden fleece. In this manner Pagan obſcenities have before now often ſerved as ornaments to enſhrine the relics of the ſaints. The eye gladly dwells on that ſtatue of white marble, which perpetuates the memory of that excellent lady, Valentine of Milan, ſpouſe of the Duke of Orleans, who was murdered at Paris in the year 1407, and whoſe loſs the good Valentine could not ſurvive. She died of a broken heart in 1408. Her moving device was a watering pot, from which trickle drops in the form of tears, with this circumſcription.

Rien ne m'eſt plus
Plus ne m'eſt rien.

"That ſtatue of Peter of Navarre reminds us of the ſingular death of his father, Charles II. denominated the Wicked. The avenging Nemeſis held him up as a terrible example. A kind of torpor ſeized him, and he was unable to move a limb. The phyſicians then adviſed him to have himſelf ſewed up very cloſely in a linen ſheet, previouſly ſteeped in brandy. It was at night when he went to bed, that this kind of ſack was put about him. One of the chambermaids ſewed it faſt under his chin, and having done, ſhe was going to cut off the remaining end of the thread, but having no ſciſſars, ſhe took the candle to burn it off; in an inſtant the king was all in flames; the affrighted chambermaid ran away, amidſt violent ſhrieks, and Charles the Wicked was burnt alive in his bed.

"With awful reverence I enter a chapel, dedicated to Francis I. the reſtorer of the arts. The corpſe of this good man, as well as that of his ſpouſe, Claude de France, are imitated with ſtriking truth in marble; and the bas-reliefs, placed here and there, intereſt, by a faithful repreſentation of the dreſſes, arms, and implements of war in thoſe times. Above the timber work, ſupported by ſixteen Ionic columns, appear again the ſtatues of the royal pair, ſurrounded by their beloved children, kneeling and praying. The formal court and ſtate-dreſſes make a ſad contraſt with the uniform of death below. Again I find another ſtatue of the corpſe of the royal friend of da Vinci, moſt ingeniouſly ſculptured in white marble; and I obſerve with regret that the boyiſh petulance of ambition was quite as active as it is at this day in prophaning the moſt ſacred monuments, by ſcrawling obſcure names upon them. This fine column, hung with laurels and vine leaves, carries on its top the image of juſtice, and once contained the heart of the noble Conſtable Montmorency, together with that of a king, who wiſhed to be united with his friend both living and dead.

"I would not ſtop a moment before the kneeling ſtatue of the Chancellor Réné Biragué, (who with the abhorred Catherine de Medicis, waded through torrents of blood ſhed in the night of St. Bartholomew) did not the ſight of his ſpouſe under his feet arreſt my attention. Dreſt in the coſtume of her time, ſhe repoſes on ſoft pillows, and ſupports her plump cheeks with her fleſhy hand; before her is placed a book, which ſhe ſeems ſlightly to peruſe, while a teazing lap-dog does all he can to prevent her. What a quiet image of the calm enjoyment of life unſuſpecting the ſtratagem of death, which is lurking near in ambuſh. Yet only look down on the *bas relief* of her couch, and you find the ſame woman a lifeleſs corpſe; the full

round features are vaniſhed; the ſparkling eye is ſunk deep; and the rich veſtment changed into a melancholy winding ſheet. This contraſt of life and death makes a deep impreſſion on the beholder, and the whole appears leſs a monument than a ſatire upon human life.

"I had never before heard the name of Dominique Sarrede mentioned; but how gladly my eye dwells on his buſt, ſince I know how faithfully he loved Henry IV. He loſt a leg in the battle of Ivry. This, however, did not prevent him from devoting his farther ſervices to his excellent ſovereign. His grief at the aſſaſſination of the beſt of maſters was ſuch, that paſſing, two days after the perpetration of the horrid deed, through the ſtreet called *Rue de la Feronnerie*, he fell down ſenſeleſs on the ſpot where it happened, and died the next morning.

"The phyſiognomiſt will find an intereſt in that ſtatue of Charlotte Catherine dela Tremouille, accuſed of having poiſoned her huſband, but acquitted by the parliament. As this image is ſaid to be a ſtriking likeneſs the phyſiognomiſt may decide whether ſhe has been juſtly accuſed or acquitted; I belive the former.

"This princeſs of Conti, who, beautiful and virtuous, was ſnatched from the world in the thirty-fifth year of her age, was ſcarcely nineteen years old, when ſhe ſold her jewels to relieve the poor in a famine. Tender of conſcience, ſhe made reſtitution of all thoſe eſtates the poſſeſſion of which appeared in the leaſt ſuſpicious to her, and the amount of them is eſtimated at 800,000 livres. The look with which you part from her *bas relief*, is benevolence from the heart.

"Another emotion ſublimely affecting pervades my frame, if I look at the ſuperb monument which Charles Le Brun raiſed to his mother. An angel with a trumpet hovers over her coffin, the call of the reſurrection is ſounded, the matron hears it, raiſes the lid of her coffin, and gladly awaking from a long ſlumber, riſes out of her grave. Art lent a hand to filial duty: the expreſſion of the figure is admirable; a fervent deſire after the celeſtial light ſeems to beam on the countenance of the bleſſed parent."

In his remarks on the gallery of paintings and the gallery of buſts, antiques, and ſtatues, in the Muſeum Napoleon, our touriſt is equally minute and entertaining; indeed his critical judgment on a variety of the ſubjects in this inſtitution cannot fail to charm every reader of ſcience and refinement But we have already exceeded our limits, and muſt therefore refer thoſe who feel an intereſt in ſuch deſcriptions to the book itſelf. His account of the manners and cuſtoms of the Pariſians is far more ample and ſatisfactory than that of any modern writer who has attempted to delineate the ſame capital; and we are of opinion that no work is better calculated to convey an accurate idea of the verſatility and flippancy of the French character. In ſhort it is a work which every future traveller in France ought to make his companion. It has been ſaid that "Vice to be hated needs but to be ſeen." We have had many opportunities of deſcanting on the vices of that modern pandemonium of the "*great genius who directs every thing*," to uſe the words of the *Moniteur* in its adulation of the mock Emperor; and we ſhould feel inclined to add the remarks of Kotzebue on the ſame ſubject, but the picture is too diſguſting. The tranſlation is well performed.

Obſervations

Obſervations on the Duke of Richmond's extenſive Plans of Fortification, and the New Works he has been carrying on ſince theſe were ſet aſide by the Houſe of Commons in 1786. *Including the ſhort Eſſay which chiefly occaſioned the famous Debate and diviſion in the Houſe of Commons on his Grace's projected Works, for Portſmouth and Plymouth, that was determined by the caſting Voice of Mr. Speaker Cornwall.* By the Author of the Short Eſſay. 2d Edition. Pp. 252, 8vo. Robinſons. 1805.

THE liberty of the preſs is juſtly conſidered as the palladium of freedom; as freedom again is the grand ſource of progreſs in arts and ſciences, and general improvement. Civil liberty conſiſting in a juſt balance of different intereſts and powers, of property and of numbers, is equally in danger from the encroachments of ambition on the one hand, and of anarchy on the other. But, by means of the preſs, the danger of either is conveyed with ſpeed from one end of a kingdom to another. The ſpirit of the people may be rouſed in order to curb the ambition, whether of the court, or juntos of ariſtocratical intriguers, and on the other hand to moderate and control the phrenzy of popular excitement. The Britiſh Conſtitution compoſed of King, Lords, and Commons, is the happieſt in the world, and perhaps that ever exiſted. But as nothing human is perfect or exempt from change and decay, there is reaſon at different periods to apprehend ſome derangement of the balance in ſome way or other. The government has verged, or been thought to verge, at different periods, either towards democracy, ariſtocracy or abſolute monarchy. The Britiſh Government has for ſome time been thought by many, nay, perhaps, by moſt political ſpeculators, to lean towards the latter; which a great genius has pronounced to be the eaſieſt death, the true *euthanaſia* of the conſtitution.* We have, it is ſaid, King, Lords, and Commons, but not THE COMMONS—the juſt repreſentatives of the people of Great Britain. The influence of the court, in too many inſtances, gains over the repreſentatives of the people, the legiſlators of both houſes, from the ſide of the people to that of the exiſting adminiſtration. If, in order to correct this tendency, this preponderancy, we were to open the flood gates of popular prejudice and paſſion, the cure would be worſe than the diſeaſe. But, by means of the preſs, ambitious and ſelfiſh projects of power and aggrandizement may be expoſed. The legiſlature may be informed, inſtructed, and admoniſhed. The whole learning and genius of the nation may be employed on the ſide of freedom, and every one guarded againſt the various approaches of danger, and animated in defence of the Conſtitution. This is a gentle and ſafe remedy; and cannot fail to have an effect ſo long as there remains a

* Hume's Eſſay, VI.

ſpark of regard to truth and reaſon, the public advantage, conſcience, or even the opinions of mankind concerning our conduct. Of all this the publication before us is an emphatic proof and illuſtration; which is, farther, admirably well timed, making its appearance at a moment when the public attention is irreſiſtibly drawn by preſent circumſtances, to continued threats of invaſion, and recent occurrences reſpecting the expenditure of the public revenue, invaded by miniſterial peculation. The Duke of Richmond, Maſter-General of the Ordnance, about twenty years ago, began to form, and demand money for effecting plans of fortification on an immenſe ſcale, for the defence not only of Portſmouth and Plymouth, but of Canada, very ill adapted to our inſular ſituation, not only inexpedient and uſeleſs, but fraught with danger—danger in reſpect of both our national independence and civil liberty, and at the ſame time involving an immenſe expence to the country, which was to be ſlipt on the country clandeſtinly, as it were, and by degrees. Mr. Glenie then Lieutenant in the corps of engineers, publiſhed a ſhort eſſay "on the Modes of Defence beſt adapted to the Situation and Circumſtances of Great Britain. In conſequence of this pamphlet, which contained a refutation of the D. of Richmond's principles of fortification, a debate aroſe in the Houſe of Commons, June 1785, which was decided againſt the miniſterial party by the caſting voice of the Speaker, Mr. Cornwall. Not only the Houſe of Commons, but the whole nation was convinced that Mr. Pitt, the new and young miniſter, in the countenance and ſupport he gave to fortifications of ſuch prodigious extent, which, on a moderate computation, would require garriſons, amounting to 40,000 men, and the conſtruction of magazines to be ſtored with 40,000 rations of proviſions had nothing elſe in view, than, by humouring the whims, and giving employment to the plodding and reſtleſs genius of the Duke of Richmond, to attach and retain a political partizan of very great conſequence. The vote on the queſtion of fortifications was the firſt that was carried againſt that miniſter.

To the ſhort Eſſay the Duke of Richmond publiſhed an anſwer. To his anſwer, a reply was printed and publiſhed in the ſhort ſpace of forty-eight hours. To this reply there did not appear any rejoinder. In 1794, the *Short Eſſay*, and Reply were republiſhed, with an Appendix, containing a compariſon between Montalembert't ſyſtem of fortification and Vauban's. But there was not, then, a copy of the Duke of Richmond's Anſwer to the Short Eſſay either to be procured or found. The occaſion of that republication, at that time, was as follows: though the Duke of Richmond's immenſe plan was rejected when at firſt propoſed, it was ſoon revived, and again introduced to the attention of the Houſe of Commons, with all the recommendatory eloquence of the Chancellor of the Exchequer. But the Houſe indignantly rejected it a ſecond time, by giving him leave to withdraw the motion made in its favour, and directed an eſtimate

to

to be made out of the expence of improving and completing the old works at Plymouth and Portſmouth. The author, well enough known to be Mr. James Glenie, who, when he began to oppoſe the Duke of Richmond's plan, was an officer in the corps of engineers, was then abroad. Had he been in England, he aſſures us, in a preface to the republication, in 1794, the revival of a meaſure ſo truly reprehenſible ſhould not have paſſed without that reprobation and expoſure it juſtly merited. Great, however, was his aſtoniſhment, when he found, that in an eſtimate of the expence neceſſary for completing old works, ſums were inſerted for the erection of new ones; and that the Houſe, through inadvertence had actually voted them. He was no leſs ſurprized to find that, after ſetting aſide the Maſter General's ſyſtem of new works *in toto*, it had quietly permitted him to carry on part of the extenſive plan which he had in contemplation, when he drew up his famous report of 1783. The object of the republication in 1794, was to place all theſe matters in their true light. To the little volume before us, being a ſecond edition of that republication, the author has prefixed an advertiſement, in which he ſtates the reaſons that induced him to publiſh, at this time, this ſecond edition. "As there has been in this iſland, ſince the commencement of the preſent war, a continual ſucceſſion of alarms in regard to the invaſion of it by France; as the Chancellor of the Exchequer fifteen months ago, confidently predicted in his place, in the Houſe of Commons, that ſuch an enterprize would poſitively be carried into execution in about five weeks from the time he uttered that bold and falſe production; as he ſeems anxious to revive at this moment, ſuch apprehenſions in the public mind; as ſchemes for fortifying different parts of the coaſt of England, have been projected and propoſed, &c. He is induced to publiſh a ſecond edition of his OBSERVATIONS ON His Grace of Richmond's Fortifications, that the public may thereby be the better enabled to judge, whether in the exiſting ſtate of the French marine, and while we poſſeſs the undiſputed ſovereignty of the ocean, ſuch an undertaking for the purpoſe of conqueſt be in itſelf practicable or impracticable.

Having ſtated the hiſtory, the occaſion, and the end of his publication, or aggregate of publications, we would proceed to follow the author, by way of analyſis, through the different ſteps by which he marches to his object, if the full account, which we have thought it very much to the purpoſe to give of the origin, occaſions, and general nature and deſign of this work, did not preclude that copiouſneſs, and indeed, in ſome meaſure render it unneceſſary. The general reſult, the impreſſion made by a very cloſe peruſal, of Mr. Glenie's obſervations and reaſonings, is as follows.

It is an uncontroverted maxim of war, that armies in their march or progreſs ought to keep up a conſtant communication with ſome place or places of ſtrength, from whence they may be ſupplied with ſtores and proviſions, and to which they may reſort, if neceſſary, for

ſafety. The march of an army, the great operations of a compaign, form a triangle of which the grand point of attack, the main object in view is the apex, and a line of magazines and forts, or fortified magazines, the baſe. When an army is cut off from its magazines, and has advanced ſo far into an enemy's country as to be ſurrounded by numbers, its capture or exciſion is inevitable. Should the French land in Britain, they would be cut off from their magazines by the Britiſh channel. All that they could poſſibly bring along with them could not furniſh a ſupply for more than a very few days. Freſh ſupplies, at leaſt ſuch regular and abundant ſupplies as alone would be ſufficient, would be completely precluded by our ſovereignty of the ocean. The invaders, muſt therefore, come to a ſpeedy and deciſive engagement or periſh. Accordingly from Fabius Maximus, to General Waſhington, and Annibal to ——— Alas! that we cannot complete the antitheſis—It has been the buſineſs of every wiſe commander to invite or evade a general and deciſive action according as it was their object to ſubdue, or to defend a country. The defenders ſhould, above all things avoid a general and deciſive action, hang on the enemy as they advance, in their line of operation, on their flanks, and on their rear, intercept convoys, cut off ſtraggling parties, lay ambuſcades, and practiſe all the ſtratagems of war, without giving them any reſt night or day*. For the whole of this mode of warfare our iſland is ſingularly adapted. But this mode of annoying, and ultimately defeating an invading enemy, ſuppoſes that the main force remains in a diſpoſeable and active ſtate, and is not cooped up in garriſons—garriſons there may, and ought to be in certain places, for the purpoſe of checking the progreſs of an enemy: but theſe ought to bear a proportion to our diſpoſeable force. And, with regard to the matter in queſtion, the works of Plymouth and Portſmouth, properly repaired, would ſerve the purpoſe better than the extenſive circumvallations propoſed, occupying a line of ſeventeen miles, and locking up from action ſo great a proportion of our regular troops.—If ſuch a line of fortification be properly manned, a great number of our troops would be fixed in them, that would be better employed, if at liberty to fall on the enemy in all or any direction. If inſufficiently manned they would be taken, and employed by the enemy as the means of our ſubjugation. It ſhould never be forgotten, that it is not this or that ſpot that we are to defend, but the whole country. If our arrangements are ſuch as to affix the utmoſt importance to the poſſeſſion of any particular ſpot, a deciſive action may be brought on for its defence, which action is the very thing, above all to be avoided. By giving up particular places, General Waſhington effected the

* Sir Walter Raleigh obſerves ſomewhere in his hiſtory of the world, ſpeaking, if we recollect rightly, of the invaſion of Perſia by the Greeks, that the invaders, even if they could have commanded proviſions, might have defeated merely by not being ſuffered to SLEEP.

independence

independence of North America. Mr. Glenie derides the Duke's apprehenſion of bombs, ſecurity againſt which is the main object of his immenſe plans of fortifications. The principal value of our dock-yards is beyond the power of bombs. As to inflammable ſtores, other means are pointed out for their protection. But, at all adventures better ſacrifice ſome inflammable ſtores than carry his Grace's abſurd and moſt dangerous whims into execution. On the whole our author heartily ſubſcribes to the opinion of General Lloyd, that "a powerful fleet and thirty thouſand marines will ſave us from deſtruction, and nothing elſe.

As to the expence of the Duke's fortifications, it is ſhewn that inſtead of £500,000, his Grace's eſtimate, given in for the purpoſe of drawing the nation into a beginning, they would coſt the enormous ſum of five millions two hundred thouſand pounds.

Our candid, manly, and intrepid author is not leſs ſevere on the moſt ſcandalous inattention to the public expenditure, than on the plodding and reſtleſs being, who involved them in much uſeleſs expence, and but for mere accident, would have involved them in more. Though our limits do not admit of extracts after all that we have already ſtated, we ſhall tranſgreſs them for once for the purpoſe of holding up to public view, a ſad, but ſeaſonable truth.—After exhibiting a ſpecimen of the Duke of Richmond's mode of accounting for repairs and contingencies: ſeveral hundreds of thouſands ſtamped in one column under the head of—MONEY GRANTED.

In another column ſeveral hundreds of thouſands under the head of—MONEY EXPENDED.

"Now I ſhould be glad to know how any perſon in the Houſe of Commons or out of it, can underſtand from ſuch a ſtatement, on what works or buildings theſe repairs were made. For it ſtates afterwards ſums as granted for repairs of the principal works in that diviſion, ſuch as the works round Portſmouth town, South ſea caſtle, Eaſtney battery, Lump's battery, &c. He might as well have reported to the Houſe, in a few words, that part of the money granted by it for the ſervice of the ordnance in the years 1783, 1784, 1785, and 1786, had been expended. Such a report would have furniſhed it with as ſatisfactory information as the ſtatement delivered in. But how could the members of the Houſe be certain that the principal part of the ſums carried to the vague head of repairs and contingencies had not been expended by the Maſter General on new works and projects of his own, or ſet apart for ſuch purpoſes, unleſs they had appointed a committee to examine the accounts and call for particular vouchers? Were ſuch a method adopted and faithfully purſued, I am perſuaded that very large ſums might annually be ſaved in every public department of the ſtate, without the ſmalleſt detriment to the ſervice, and many uſeleſs and expenſive projects prevented. And I am much miſtaken, if the time is far diſtant, when the Houſe will be under the neceſſity of adopting ſome ſuch method to prevent the moſt ſignal calamities to the nation. But if they receive ſtatements that are not ſufficiently ſpecific, clear, and ſatisfactory, without appointing committees to examine them and compare them with vouchers,

vouchers, the folly and inutility of many meaſures and projects as well as the actual amount of their expences muſt remain concealed both from them and from the public. And it is certainly but fair and reaſonable, that thoſe who vote the public money ſhould on all occaſions, and without heſitation or reluctance on the part of thoſe who expend it, be furniſhed with every neceſſary kind of information reſpecting its expenditure. The refuſal of it implies a conſciouſneſs either of impropriety or guilt. His Grace had conſiderable ſums voted for repairing Lump's and Eaſtney batteries. But inſtead of repairing them, he has left them to go to ruin. Even the brick caſemates at South ſea caſtle, which he erected ſo judiciouſly that guns could not be fired in them towards the buoy of the ſpit without recoiling againſt their ſides, are at this very moment ready to tumble upon the beach, and a great part of the maſonry without the caſtle is actually undermined and waſhed down. Nothing has been done to prevent theſe encroachments of the ſea, which, indeed, appears to be encroaching more or leſs every where, in places that have an eaſtern aſpect, whilſt it is gradually leaving thoſe that look towards the weſt. Poſſibly his Grace wiſhes to ſee theſe caſemates buried in the deep, to prevent the memory of their abſurd erection from being perpetuated. He will probably live to ſee ſome other works of his involved in a ſimilar fate. In common decency, however, he ought to explain to the public his reaſons for having ſo recently put it to expence, on account of works which are already on the very brink of deſtruction."

With regard to the compoſition and ſtyle of our author, it is clear, proper, chaſte, eaſy, and unaffected. There runs throughout the whole an air of ſatyr or ſarcaſm, which, for the moſt part ariſes not out of any apparent diſpoſition or turn for wit and humour, but out of the very reaſoning itſelf: and what may be defined or deſcribed to be the WIT of reaſon. As things are defined and known by their contaries, the boundary between truth and error, when boldly marked, is pointed and aculeated here and there into the form of antitheſis. The words of the wiſe are compared in ſcripture to "nails faſtened in a ſure place," ſunk and fixed in the underſtanding. As an inſtance of the ſharpneſs we obſerve in our author's ſtyle, ariſing out of his argumentation, take the following: "Your Grace has refined on the œconomical and judicious policy of France, by attempting to perſuade your countrymen that true ordnance œconomy conſiſts in laying out millions to form extenſive lines without troops, to erect works without utility, and to increaſe our fleet without building a ſhip."

When our author, leaving the thread of his diſcourſe, which, if the reader will pardon the extenſion of ſo poor a metaphor, runs through many a ſharp needle, in order to give a perſonal ſlap to the Duke, he is leſs fortunate. After a quotation from Virgil, he ſays, "As I know your Grace's juvenile ſtudies were rather directed to the Abſtract Sciences than the *Belles Lettres*, as if drawn to the points of a needle, I have taken the liberty to ſubjoin Dryden's tranſlation to make the original perfectly intelligible," and, in a note, "the reader will readily perceive this obſervation to be ironical, as it is well known

that

that his Grace, though ſo paſſionately fond of fortification, has little or no acquaintance with any of the Abſtract Sciences.'

Few readers probably know this; but moſt readers have heard of the painter who underneath his miſerable drawing, wrote, "This is a cock." The ſevereſt blows Mr. Glenie gives to the Duke are his expoſitions of his errors, and his artifices, his ſtatement of facts which he calls on his Grace to gainſay, if he can, and his numerous, moſt glaring, and barefaced derelictions of his former principles or profeſſions.

For the honour of literature we have farther to obſerve, on this intereſting publication, that as none but a man of learning could have expoſed, in ſo capital a manner the dangerous whims and follies of the Maſter General of the Ordnance, ſo none but a man whoſe mind was elevated by his habitual ſtudies, above the conſiderations that influence vulgar minds, *would*, in Mr. Glenie's circumſtances* have undertaken the taſk. It is juſtly obſerved by Mr. Hume, that a ſtudious or ſpeculative character, whatever frailties may attend him is generally found to be an honeſt man. Literature, by exhibiting our fellow-men in a variety of intereſting ſituations, exerciſes our ſympathy, nouriſhes an admiration of virtue and abhorrence of vice, and inſpires high ideas of moral excellence and the dignity of human nature. And the genius of philoſophy produces an habitual reſpect and reverence for correctneſs of thought and accuracy of reaſoning on all ſubjects.

An Excurſion to the Highlands [Inverary] *of Scotland and the Engliſh Lakes, with recollections, deſcriptions, and references to Hiſtorical Facts.* By J. Mawman. Pp. 291. 8vo. 9s. 1805.

ALL writers aſpire either to amuſe or to inſtruct their readers, and many to do both. Our more modeſt author, however, aims at no more than ſimply to amuſe: and, if we may believe a dedication to his travelling companion, Wm. Salte, Eſq. the "chief purpoſe of this publication is attained in thus expreſſing the value that he ſets on his friendſhip, and the reſpect which he feels for his character." This may be well to a friend; but he who propoſes to entertain the public ſhould take care that his amuſements be at leaſt perfectly *innocent*, if not virtuous. The taſk is more arduous than is commonly ſuppoſed: and we fear that our would-be ſentimental traveller during his "month's excurſion" along the well known road from London to York, Edinburgh, Glaſgow, Inverary, and back to Glaſgow, Carliſle, Keſwick, Lancaſter, Liverpool, Cheſter, Birmingham, Warwick, Dunſtable, St. Alban's and London; will be found, though ſometimes with virtuous and even pious, yet not al-

* He was then a Lieutenant in the corps of engineers. Perſecuted as might have been and perhaps was foreſeen by the Duke, he was obliged to quit the ſervice. Had he humoured the Duke, he might have been at this time in the poſſeſſion of high rank and lucrative employment.

ways

ways with innocent. ſentiments. Nor is he more uniformly correct in the few "Swiſs-box" obſervations that the "rapid ſucceſſion of objects, and the agreeable vivacity of the mind," permitted him to make on the nature of the ſoil, aſpect of the cattle, &c. on his road. Of this, take the following as a ſpecimen of his accuracy and qualifications for travelling: ſpeaking of the appearance of the milch-cows in Cheſhire, it is obſerved that they are "not clothed with ſooty ſkins and ragged hair, like thoſe near the metropolis, but with ſmooth and ſpeckled ſides, ſhining in healthful brightneſs." Is it poſſible that our *ſoi-diſant* cockney has never ſeen the "healthful brightneſs" of the cattle at Iſlington: when has he ſeen herds "near the metropolis, with ſooty ſkins and ragged hair?" With ſuch obſervations it is impoſſible that our author's "excurſion" can be placed even on the ſame duſty ſhelf with the "ideas" of the induſtrious Adam Walker, during a ſtage-coach ride over the continent. Indeed, it is evident that accurate deſcription is not Mr. M's *forte*, and the epithet of "happily choſen ſites, fine and delightful views, beautifully ſituated houſes, exquiſitely beautiful ſcenes, overhanging rocks, verges of precipices, beautiful and ſublime pictures, charming and intereſting proſpects, bold-featured, majeſtic, deſolate country, &c." however they may ſerve to enliven converſation, yet convey no more ideas of the real face of nature in local ſcenery, than a catalogue of books uſually does of the merit of their contents. To compenſate, therefore, for the inadequacy of his deſcriptions, three views of Inverary, Lochlomond, and Patterdale, with a "ſketch of the excurſion" (outline of the rout), are given, drawn by Turner, and indifferently engraved by Heath, though many much more "intereſting views of picturesque effect" might have been choſen in the courſe of ſuch diverſified ſcenery.

Turning then to our traveller's "recollections and references to hiſtorical facts," the firſt thing that preſents itſelf worthy of notice, is the extraordinary fortune and virtue of the great grandfather of the preſent worthy repreſentative of York, Sir W. Milner, Bart. The benevolent and pious ſentiments in this memorial of the Leeds merchant, form a ſtriking contraſt with thoſe of the preſent libertine bankrupt-race.

"Recolect and conſider, O my ſoule, how wonderfully good and gratious God Almighty has been to me all my days. I was born of pious and religious parents, and having had a tolerable degree of ſchole learning given me, I was brought up a marchant, and had all the advantages both att home and abroad to gaine a thro' underſtanding in buſſines and accounts, and having lived about five years beyond ſea, I returned home and imediately fell into good buſſines, and finding good ſucces in itt, I begun (when I was about twenty-eight years of age) to entertaine thoughts of marrying, and God was pleaſed to bleſs me with a very vertuous, diſcreet and good wyfe, in whom I have been very happy: and wee have now living, one ſon and four daughters, who have all of them been ſo good and vertuous, ſo dutyfull and obligeing, that I can with comfort declare, that I doe not remember

remember any one act done by any of them ſince their child-hood, which gave me juſt cauſe of an hour's anger or diſpleaſure.

" My ſon and two of my daughters, are very happyly married to perſons of good familys, good eſtates, and good humours, and they all live very plentifully and comfortably, and I have ſix grandchildren, viz. four ſons, and two daughters, all healthfull, hopefull, and ſenceable children, and of my whole ſtock of children, and grand-children, there's not one of them that has any lamenes, disfigure, or blemiſh upon them, which are bleſſings few enjoy.

" And God has not only made me thus happy in my wyfe and children, but alſo in my eſtate, for my buſineſs has been very conſiderable and very ſucceſsfull for about forty-eight years, and from no very great beginning. God has been pleaſed to bleſs me with a very plentifull eſtate, much above my former expectations, and whereas I have for many years return'd 70,000 or 80,000l. and upwards a-year, in way of buſineſs, which has been chiefly with forrigners (Hamburghers), I have not in " the whole courſe of my trade loſt 500l. by them all, which is ſuch ſucceſs as few ever had.

" Theſe are ſuch ſignall bleſſings as require a very particular return of praiſes and thankſgivings, to the Great Author of them, and now, O my ſoul, ſince God has ſo multiplyed his favours towards me, what ſhall I render to the Lord for all his benifitts.

" I am reſolved to make ſome ſmall return out of the abundance which God has entruſted me with, by doeing ſomething for his church and his poor.

" To the church I am reſolved to give a rent-charge of twenty pounds per annum, for ever upon lands, for reading prayers at ſix or ſeven a'clock every evening in the pariſh church, that the commonallyty may after their days labour, have the opportunitie of prayers, which they have not leizure to attend before the work of the day is over.

" To the poor I am reſolved to give twenty pounds or more, per annum, for ever to be applyed after ſuch manner as ſhall be moſt adviſeable.

Leeds, Feb. 23, 1736. " WILLIAM MILNER."

It is a vulgar error of moſt poſ. ng-travellers to judge of every thing in a country, merely from what they ſee in the roads and ſtreets, which are the common haunts of mendicity and dirtineſs every where. Nothing but this rage for characterizing of ſuperficial minds, and the moſt pitiable local prejudices, could have dictated ſuch obſolete and puerile ſentiments as thoſe which the author generouſly beſtows on the Northerns. It would appear that the ſight of the barefooted Scots-women; or in their dialect, the " bluid red ſhanks," and even the " ſonſie leuks o' the Scotch laſſies ſkelpin owre the lea," has ſo deranged our author's nerves that now nearly a year after he has " hid his head in the midſt of the ſmoke, toil, and heart rending jealouſies" of London, his diſeaſed imagination is ſtill tortured with the idea of their uglineſs! We truſt that few " untravelled Engliſhmen," even " *wery cockneys as I knows*," would betray ſuch a narrow-minded affectation of delicacy and humanity, or would not have " ſo much overcome the faſtidious recollection of Southern taſte and manners, as to be eaſily pleaſed," even with a few of the " *divine* habits of cleanlineſs and induſtry."

But

But amidſt all this diſtraction of wounded ſenſibility, our author commences politician, and, as if ſurrounded by a number of the ſable gentlemen of the whip, with a foaming pot of "Whitbread's entire," deſcants very learnedly on the inſtability of national grandeur ſo much affected by the mad ambition of a few individuals: ſhews the neceſſity of our not being wholly commercial*!!" and treats of "the demon of deſtruction, commenſurate evil, conſpicuous deſolation, and deep lamentation of the highlander, who muſt behold with pain *nature reſuming her rights*, effacing his operations, and covering with moſs and heath his beſt efforts!" Our traveller continues moralizing in this ſtyle, avowing his hypocritical flattery of "the generous highlanders and Scotch gentlemen;" ſeems anxious that his mighty journey to Inverary might be equal to the tour of Europe, and that "cultivated and inquiſitive men had employed themſelves in viewing and recording the life, condition and manners of this ſequeſtered race;" depicts at length (here he is for once deſcriptive) the miſerable aſpect of a highlander's hut, and the deplorable condition of the paſtoral life, ſo much extolled by the "wanton imagination of the poets, in folly ripe, in reaſon rotten," and of which "he doubts whether the downward gradation from this ſhepherd's family to his cattle, in diet and habitation, was not much leſs than the upward interval between his comforts and thoſe of an Engliſh farmer:" and pronounces, in a parenthetical hiatus (ſublime *recollection* from the fanatic atheiſt Condorcet) that "*virtue is only a more enlarged and a more cultivated reaſon!!!*" Leaving this votary of reaſon to the ſalutary diſcipline of ſome of his Cambridge friends, and the enjoyment of his credibility in believing what ſome humorous Scot has ironically told him of the Rob Roys (the name of a robber) of Scotland "to this day;" we ſhall repeat for the benefit of "that ſex whoſe generous minds ſet no bounds to their affection," that the "high-prieſt of hymen" at Gretna-green is a deſpicable drunkard; that "he will drink a bottle of whiſkey at once; that he marries forty or fifty couples a year, for which he demands from a bottle of his favourite liquor to fifty guineas; that theſe marriages are eſteemed odious by the inhabitants, who refuſe the run-aways entrance into the beſt inns; and that the nauſeous anecdotes and ſcoffs of the people would deter any woman of delicacy from going to ſuch an infamous place."

Our author, after viewing a druidical temple near Keſwick, obſerves that "it is not poſſible it ſhould produce any pleaſure:" from this taſteleſs and vulgar opinion, we truſt that he will not again

* This ſentiment emanated from the Jacobins, and was aſcribed to that ſycophant of every party, Français de Neufchateau, and has ſince been, in the philippics againſt this country, one of the favourite political dogmas of the Moniteur, whence it has been tranſlated, as a paragon of national wiſdom, in Italian, Spaniſh, and Portugueſe, and now makes a figure in Engliſh among the "recollections" of this Highland excurſion. Rev.

ignorantly

ignorantly pollute the ſanctuaries of antiquity, nor again inſult venerable Chriſtian monuments, as at Warwick. He has, however, better reliſhed the beauty of the female hay-makers of Buttermere, and deſcribes "the female whoſe recent injuries have excited ſo much public attention, as rather to be deemed handſome than beautiful." "We were much ſtruck with the appearance of the females about theſe lakes, as well as of thoſe about Keſwick. They walked gracefully, all had an air of ſuperiority which ſat eaſy upon them; and an impreſſive beauty, with few exceptions, characterizes the whole race."

The view of theſe beauties, and the freſh-water trout, even without wine, improved the appetite of our travellers (for the plural is always uſed) that they "ſwallowed with avidity:" a ſalutary hint to ſome of the city valetudinarians, though we queſtion if the quotation from Baye's Hermſprong will induce many to quit dining. Notwithſtanding their hearty repaſt, we are told that the "fatigue, by *two* day's excurſion from Keſwick, *diminiſhed* that *elaſticity* of *mind* and *body* which *forms* the chief *baſis* of human happineſs!!" This is another melancholy proof of the (perhaps unconſcious) progreſs of the vulgar and contemptible notions of the French ſchool. We are not willing to ſuppoſe the author either an atheiſt or a Gallicized politician, but he ought to have inveſtigated the origin and nature of his "recollections*" more minutely, before that he dreſſed up the vileſt ſentiments of the vileſt wretches to the palate of an Engliſh public.

Before taking our leave of this excurſion, we muſt earneſtly recommend it to the attention of the triumph-writing poet, whoſe temper and muſic may perhaps be improved by the honeſt appropriation of ſome epithets, ſuch as the "ſullen grumbling bull;" "brawny male murmuring in his mighty ſtrength," &c.; whilſt we can aſſure the ingenious author, that had his modeſtly termed recollections always been ſuch as thoſe occaſioned by the abode of the late Dr. Paley, we ſhould not have noticed his laboured affectation of ſentimentality and the feelings of an illiterate cockney, nor his more than Johnſonian pompoſity, but have moſt cheerfully accepted his endeavours to amuſe, had they not been pregnant with the ſeeds of the "deſolating principles" of Continental libertines. In juſtice, however, we doubt not but that ten will condemn his book, for one that could make a better, and we fear that he will find book-*ſelling* a more profitable buſineſs than book-*making*.

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* Among theſe recollections or rather *collections*, it would be injuſtice to the memory of the late Sir W. Jones, to paſs over the *nonſenſe* of the following ſtanzas quoted from the poem on "The Reſtoration of Learning in the Eaſt."

"But nobler cares are his (Sir W. J.) for human kind
He plies his reſtleſs energies of mind.
Strung by that orb, beneath whoſe flaming ray
Inferior natures crumble to decay,
With growing ſpeed he preſſes to the goal,
And his fleet *axles* kindle as they roll."

COURT

COURT OF KING's BENCH.

Sittings before LORD ELLENBOROUGH *and a* SPECIAL JURY, *in* WESTMINSTER HALL, *on Thursday, July 11th*, 1805.

TROY *v.* SYMONDS.

Counsel for the Plaintiff—
Mr. ERSKINE
Mr. WOOD
Mr. TALBOT
Attornies—*Messrs.* FROGATT, LIGHTFOOT, *and* ROBSON.

Counsel for the Defendant—
Mr. GARROW
Mr. PARK
Mr. RICHARDSON
Attornies—*Messrs.* NEELD *and* FLADGATE

MR. TALBOT opened the pleadings as follows:—May it please your Lordſhip—Gentlemen of the Jury—In this action, JOHN THOMAS TROY is the Plaintiff and HENRY DELAHAY SYMONDS, is the Defendant. The Declaration ſtates that the Plaintiff is a loyal ſubject of the king, and that he has never been guilty of any kind of treaſon or miſpriſion of treaſon, and until the publication of the libel complained of by this action, had never been ſuſpected thereof. It alſo ſtates that the Plaintiff is a perſon profeſſing the Popiſh religion in Ireland, and that he there exerciſes the function of a Roman Catholic Prieſt, and that he is commonly known by the title of Doctor TROY. The Declaration then alludes to a certain Exhortation publiſhed by the Plaintiff, recommending to the perſons to whom it was addreſſed, a quiet and peaceable demeanour, and alſo refers to a correſpondence between the Earl of Fingal and Lord Redeſdale. It alſo ſtates, that in the year 1798, there was a dreadful rebellion in Ireland, and that on the 23d of July, 1803, there was an inſurrection there. It then charges that the Defendant knowing the premiſes, but maliciouſly intending to deprive the Plaintiff of his good name, fame, character, and reputation, and to bring him into great infamy and diſgrace, and to cauſe it to be believed and ſuſpected that he had been guilty of treaſon or miſpriſion of treaſon, printed and publiſhed the following libel:—

"Lord Fingal then mentions, as ſtriking proofs of the loyalty of Catholics, the addreſs of Doctor Coppinger, to his flock at Cloyne, which recently appeared in the newſpapers, and the late exhortation of Doctor Troy, in Dublin.

"Nothing affords ſuch ſtrong evidences of popiſh diſſimulation in Ireland, as the exhortations of the Romiſh clergy, and the loyal addreſſes of their flocks. They have commonly been found to be ſure preſages of a deep laid conſpiracy againſt the Proteſtant ſtate; and after it has exploded in rebellion, their clergy generally lament, from the altar, the deluſions of the people, and their treaſonable conduct towards the beſt of Sovereigns, and the only conſtitution that affords any degree of rational liberty; though from the nature of their religion they muſt have known, and might have

have prevented it. The dreadful rebellion of 1798, accompanied with ſuch inſtances of Popiſh perfidy, muſt convince the reader, that no reliance is to be placed on the oaths or profeſſions of Iriſh Papiſts to a Proteſtant ſtate. Doctor Troy muſt have known all the circumſtances which preceded the inſurrection in Dublin, on the 23d of July, 1803, and yet he did not put government on their guard. The preſent adminiſtration are convinced of his treachery on that occaſion, and yet, for many years paſt he had been treated at the Caſtle with the utmoſt reſpect, and had even received favours for ſome perſons of his own family. His exhortation, then, to which Lord Fingal alludes, muſt be conſidered as a mockery of the ſtate, an inſult to the underſtandings of his Proteſtant fellow-ſubjects, and an unqueſtionable teſtimony of his want of candour.

"By his orders, exhortations compoſed by himſelf were read in many Popiſh chapels in his dioceſe, on the morning of the 24th of July, and a few hours after the inſurrection and maſſacre had taken place in Dublin. The reader muſt be convinced by the following moral evidence, that theſe exhortations were framed previous to that dreadful event; there was no alluſion to it in any of them, and the diſtance of the chapels in which they were read from the metropolis, was ſo great as to make it phyſically impoſſible that they could have been framed, and ſent to them ſubſequent to that cataſtrophe."

There are other counts, Gentlemen, charging the libel in different forms, to the Plaintiff's damage of TEN THOUSAND POUNDS!!!

The Defendant has pleaded that he is not guilty of this libel, and that is the iſſue which you have now to try.

Mr. ERSKINE—"May it pleaſe your Lordſhip—Gentlemen of the Jury—I am very much indebted to my learned friend for the manner in which he has laid before you the nature of the complaint which Doctor TROY makes upon this record, becauſe, after the perſpicuous manner in which he has ſtated it, you muſt already be aware of the importance of the caſe you have to decide upon. Gentlemen, I think I may borrow from my learned friend the SOLICITOR-GENERAL, who was my adverſary in the laſt cauſe, and now that the cauſe is over, I may add, my juſtly ſucceſsful adverſary in the cauſe in which the Jury have delivered their verdict for conſiderable damages [alluding to the cauſe immediately preceding, of BIRCH v. TRISTE, for an Aſſault upon the Plaintiff at the Opera Houſe, in which the verdict was for 300*l.* damages.] That was a caſe deſerving of the ſerious attention it received, but this is a caſe of a very different deſcription in point of malignity and damage, and therefore calls aloud for your moſt grave deliberation and ſerious interference. The other caſe in which a jury has been ſitting in judgment, was one in which the paſſions of the defendant were inflamed and the blood heated, but although the paſſions were inflamed, probably by great provocation, it was held to be no ſort of mitigation of the defendant's miſconduct, or diminution of the injury the plaintiff had ſuſtained by his body being diſfigured or wounded. If ſuch an injury can be deemed ſerious, as it juſtly was, how much more is to be felt, when the injury is done not to the *body* but the *mind*, when an attack is made not upon the *perſon* but the *moral character* of an individual. How much more muſt he feel when he is wounded in ſpirit, as this individual muſt have been wounded in ſpirit; how much more muſt he feel the injury, and how much more muſt the complaint be founded, when this libeller, in cold blood, chuſes to charge him with the moſt horrid depravity; how much more are

matters alluded to in that caſe applicable to this; for, although nothing of the nature of a *public example* is directly in iſſue when an action is brought for a *civil ſuit*, yet conſiderations of that kind will mix with it, whether one will or not. Such was the effect of the laſt cauſe, where the plaintiff and defendant met together and had a quarrel and a conflict in a place and upon an occaſion, where and when a great number of His Majeſty's ſubjects were collected; for, in that caſe, the noble and learned Judge ſaid, that although public example was not the object when compenſation to an individual in a civil action was aſked, yet if it had that collateral effect, nobody would be ſorry when an innocent and unoffending individual had been injured, but to deſcribe Doctor TROY would be to make myſelf a calumniator, were I to ſtop there; for he is not only innocent and unoffending, but moſt meritorious as an individual, who in an awful and critical conjuncture ſtood forward, and that merit of his having ſo ſtood forward and diſtinguiſhed himſelf, laid the foundation of the calumny of which, by me, he complains before you this day. If Doctor TROY had not ſtepped forth at that awful and critical period, as a miniſter of that religion which he profeſſes, which it is his duty to preſerve, and his inclination to revere, and which he does revere, as a virtuous member of the community in which he lives, he would not have been aſſailed by this anonymous calumniator, but becauſe he was called upon by the duty he owed to his God and to his country, as well as by the affection he owed to his Sovereign, under whoſe dominion he lived, and by whoſe laws he was protected, he then ſtood forth, and made uſe of the ſpirit of the goſpel, to exhort thoſe to return to their duty, who were the profeſſed members of his church, and who were likely to benefit by his communion; he ſtood in that predicament that he could make uſe of his influence with effect, by inculcating the principles of the goſpel, and laying down its precepts as well as ſhewing its example, with a long approved character, which he poſſeſſed in the Catholic world, and indeed, of all deſcriptions of perſons in Ireland, whether Proteſtant or Catholic. It was then that he called on all deſcriptions of people, and in particular the Catholics, who were of his flock, in the name of their Redeemer, and for the honour of their ancient and revered church, to remember their duty both as members of the church of Chriſt, and of the community in which they lived; to beware that they did not mix with the ſeditious and the traiterous, but that they ſhould ſubmit to obey the laws of their Saviour, and rally around the ſtandard of their king. Gentlemen, I feel much on this occaſion, and for this cauſe; I do, I do, indeed, becauſe I confeſs, that if ever there was a ſubject which required talents of a tranſcendant nature, in which the blended intereſts of a vaſt community were involved, and which demanded more grave deliberation than another, it is the matter on which this reverend divine has been the ſubject of the calumny, of which he now complains. I cannot, therefore, conceive a greater cauſe for a wounded ſpirit than that which is now before you; and, if ever there was a perſon little qualified to declaim on the Catholic, or, indeed, on any ſubject, it is the perſon who has now the honour of addreſſing you; for, not only am I unconnected with this offended and traduced individual, but oppoſite to him in the tenets of religious perſuaſion. I am, therefore, one of the laſt men in the world, who are likely to become the vehicle of declamation in favour of the Catholic perſuaſion in the Chriſtian faith, for I am not only a Proteſtant, but had the fortune to be born in that part of His Majeſty's dominions, where, at an early period, that perſuaſion was eſtabliſhed as

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a national church, and where, to uſe the words of a celebrated perſon, ſpeaking on the ſubject of an eſtabliſhed church, '*there* is fixed the Proteſtantiſm of the Proteſtant religion,' and I am ready to admit as any man can be, that nothing has more contributed, in this world, to raiſe and to keep alive animoſities and rage among mankind, than religious differences, and which, for ages have filled the Chriſtian world with trouble and confuſion, and which have, hitherto, retarded the great work of the reformation of mankind, as deſigned, and, as in due ſeaſon, will be compleated, by the founder of the Chriſtian world. Gentlemen, it ſo happened, that I was born and educated in that part of the king's dominions, which I conſider as the centre of religious liberty, enjoying much more of the bleſſing than the country in which this caſe ariſes, and with which we are now more cloſely united than ever, and with which I hope we ſhall continue to unite more and more every day; and in which, as I have already ſaid, the ſubject of this cauſe ariſes; a country with which our intercourſe is now become immediate and direct, with which, I hope, we ſhall always be cordial in affection, to the comfort and happineſs of both, and to the confuſion of thoſe who ſeek to diſunite, and by diſuniting, to deſtroy us, ſo that we may defy thoſe graceleſs zealots who wiſh to propagate their doctrine by the ſword: ſuch is not the pure doctrine of the divine author of our holy religion. Gentlemen, why, or how it ſo happened that Ireland has not been ſo ready to embrace the reformed religion of the Proteſtant church as England, (for the Catholic was the ancient church of England, as well as of Ireland, and indeed of the whole Chriſtian world,) is a matter which I ſhall not enter into by way of controverſy this day, neither ſhall I diſcuſs any political matters ariſing out of the diſtinction between the Catholic and the Proteſtant mode of faith, leaſt of all do I mean, by ſide wind, to breathe on the queſtion which has recently agitated the two houſes of parliament of the united kingdom, except to ſay this, and it is a ſentence which I will deliver with the moſt perfect freedom; which is, That though many wiſe and eminent perſons, my LORD CHIEF JUSTICE, before whom I have now the honour to appear, and many other renowned peers of parliament, and members of the other houſe, and other diſtinguiſhed and virtuous perſons deprecated the diſcuſſion of that great queſtion, at that moment, under all the circumſtances of the caſe, and lamented that any political matter ſhould be allowed to mix itſelf with controverſies which were of a religious nature, and many of them have ſaid they could have wiſhed that that which was agitated within the walls of parliament itſelf, independent of what had taken and was likely to take place elſewhere, had not been diſcuſſed then, yet it was diſcuſſed; and whatever elſe might be ſaid concerning the propriety of making it the ſubject of diſcuſſion, it muſt be allowed that it was diſcuſſed with ſuch a dignity, with ſuch a moderation, and with ſuch a virtuous purity of patriotic ſentiment on both ſides, and by perſons of all deſcriptions and of oppoſite opinions, that ſo far was it from being likely to produce any diſcontent in the Catholic world, either here or in Ireland, that I am perfectly convinced, the body of the Catholics in both feel a ſatisfaction in knowing that the parliament diſcuſſed the ſubject with perfect freedom and independence, and honour and virtue; that they conſidered well the great cauſe which was brought before them, and of this I am perfectly ſure, that whatever may have been the opinion of my LORD CHIEF JUSTICE, or of any other virtuous and intelligent individual on this, or on the other ſide the water, as to how far privileges or immunities ſhould be granted

ed to the Catholic world—a momentous queſtion certainly, which God forbid I ſhould attempt to diſcuſs here, either now, or at any time, and particularly as parliament has diſpoſed of it, for the preſent, yet this I can venture to anticipate from the noble and learned Judge, whoſe judgment you will preſently hear in this cauſe, that, although, adhering to the opinion he delivered in parliament, an opinion which he gave as he ought to give it, and which his country was entitled to expect of him, for it was a matter in which the intereſt of his country was involved, an opinion I know, and which I cannot but know, in common with the greater part of the public, yet I know too, and I cannot but know, as a member of the profeſſion to which I have the honour to belong, that his lordſhip will conſider, and will tell you, that Doctor TROY, though a Catholic, and, as ſuch, holding tenets different from his lordſhip and from you, is, nevertheleſs, entitled to the ſame juſtice, to the ſame meaſure of the Britiſh adminiſtration of juſtice, when he ſtands here, as a calumniated individual, as any other perſon profeſſing the ſame tenets with ourſelves. If it had turned out, as it muſt have turned out, if true, and the defendant had, upon this record, juſtified what he has publiſhed—That Doctor TROY was an hypocrite, inſtead of a true diſciple of Chriſt—that he inculcated reſiſtance, inſtead of ſubmiſſion to authority—that he was a traitor to his country, inſtead of a faithful ſubject to his ſovereign—that he was an abettor of rebellion, inſtead of a diſſuader of violence—that not only he was himſelf of this abominable character, but that he made uſe of the cloak of religion in order that he might have influence over others to lead them to rebellion, then the defendant would have been entitled to your verdict; but, if you are perſuaded that Doctor TROY is not this character, and even the defendant, by his plea, admits he is not, for if he thought he was, he would have been, according to this form of action, at liberty to prove it; if you are ſatisfied that he is, as moſt unqueſtionably he is, a man of learning, virtue, and exemplary piety, I am perſuaded you will think it a duty incumbent on you to deliver him from the accuſation, by your verdict.

Gentlemen, in actions for libels, and in actions for defamation, this language has generally occured to me, and I have hardly ever failed to expreſs it, when counſel for a plaintiff—"That no money can be a compenſation for a calumny of this deſcription—that the ſlander upon a man's character, cannot be compounded for by money." If a man ſlanders me, and then ſends a ſum of money to my banker's, am I the happier on that account? Is money the teſt of worth? Do others think better of me for my wealth? Certainly not. It is an infirmity in our laws, an imperfection in our ſyſtem, (as there are, and muſt be, infirmities and imperfections in all the ſyſtems of this world) that we cannot compenſate men for the injury which is done to their reputations, we cannot do ſo, even by the verdict of a jury, although the inſtitution of that tribunal be the beſt that ever was yet deviſed by the wit of man; the beſt rule, however, that can be laid down in a caſe of ſlander, in which it is impoſſible that a virtuous man can have full juſtice done him for the injury he ſuffers, is, to take care that by the verdict of the Jury, it ſhall be ſo diſpoſed of, that the ſlander and the reſentment of the ſlander, may go down to poſterity together, and if that be not obſerved in the preſent caſe, a ſhade will be caſt on the memory of the reverend, diſtinguiſhed, and excellent perſon whoſe cauſe is now before you; for, if our poſterity ſhall find, that matters of which we complain, and upon which it is my duty to comment, were publiſhed in this Anti-Jacobin Review, they ſhould find

alſo, that a Britiſh Jury vindicated the character of the perſon who was attacked and calumniated, as far as, by law, that could be done, not that in puniſhing a wrong, however great your hatred may be, or your indignation againſt the offence, you can ever do juſtice to the injured individual, for no verdict can deliver him from the pain he feels at the calumny with which he has been loaded.

Gentlemen, The plaintiff is a Roman Catholic prieſt, and titulary archbiſhop of Dublin. The government of England has long been a tolerant government, although the work even of toleration itſelf has proceeded by ſlow degrees, and the opinion of thoſe to whom the ſtate has been delivered, is, that the Catholic and the Proteſtant world have, for ſome time, been bringing together nearer and nearer to each other, it is a delicate ſubject to touch upon; but although, in the awful and myſterious courſe of Providence, in the affairs of this lower world, we ſee that bitter conteſts and ſanguinary conflicts, (to ſay nothing of other religions,) have ariſen from differences in our own, and which have produced ſuch havock among a large portion of the human race, ſuch effects as we might well wonder at, as being produced by a religion that came to bring peace on earth, and good-will to man; but, it is not for us to reconcile theſe great conflicts with the purity of that religion, which I am well aſſured will, one day, bring us to as much happineſs, as perfect harmony of ſentiment can produce among us; when that happy period ſhall arrive, is not for man to foreſee; in the mean time, conteſts may be expected, and the queſtions they produce will be difficult of diſcuſſion, becauſe of delicate nature. It is matter of great delicacy to conſider how you are to reconcile the differences of diſtinct claſſes, becauſe you cannot amalgamate mankind. We all agree in thinking it is our duty to adhere to our own government, and to reverence that which ſupports it, and it has been wiſe in our government in not exacting any profeſſed mode of faith from its ſubjects. The church of England lays no ſuch injunction. There is a variety of ſects who differ as widely from each other, as they do from the church of England, in their tenets, in what manner God may be worſhipped in ſpirit and in truth. There is an eſtabliſhed religion in England, which is called the Church of England, which is the ſtandard mode of faith to be adopted and ſupported by its government; there is toleration to all the reſt. All profeſſors of other modes of worſhip, are protected by the law, as every good ſubject, of whatever denomination, is, and ought to be protected, whatever particular mode of worſhip he may think beſt to purſue. Some may be ſaid to be divided into miniſters ſpiritual and temporal miniſters; in temporal matters belongs to the ſtate to ſettle, and ought to belong to the ſtate to ſettle; a miniſtry in a temporal ſenſe, not only might be ſupreme in ſuch affairs, but muſt be ſo, and ſo the Proteſtants thought, when they told queen Elizabeth when they conveyed their ſenſe of the oath of holding, if it pleaſed, that no Roman Catholic of Ireland ſhould call himſelf Arch-biſhop of Dublin; an act of parliament might make it criminal to uſurp ſuch an appellation; but there is no ſtatute in Ireland to provide for the education of the people of Ireland in the tenets of the eſtabliſhed church, and for the diffuſion of knowledge in the Proteſtant religion, until the day arrives in which that ſhall be the caſe, and no man can ſay it will not arrive, theſe differences will go on, under the ſhadow of religious faith, but yet, thank God, we have all but one object, as to civil dominion, for we live in awful and critical times; we are engaged in war againſt the moſt accompliſhed and powerful enemy we

ever had to contend with, and yet we neither have, nor can have any thing to fear, if we are all united, we know how forlorn the hope of our foe muſt be, if we preſerve an union of ſentiment; he feels that *diſcord* is the only thing that can poſſibly deſtroy us. He thinks that Ireland is the *heel of Achilles*—the only vulnerable part of the extended Britiſh empire; it is, therefore, the duty of every man in that empire, to do every thing in his power to preſerve it, and to guard it againſt the danger of attack, not by doing raſh and intemperate things, like a zealot, by violating or counteracting the ſuggeſtions of his conſcience in what it aſſures him to be right, but by doing that which is much more likely to be the bond of union, more likely to produce harmony, and comfort, and ſatisfaction in peace, or vigour, energy, and animation in war; and, to this end, nothing can ſo much conduce, as the faithful adminiſtration of juſtice; and which it is inſanity to hope where a country is void of it, and that, Gentlemen, you will find to be all which the caſe of my client requires at your hands, and which he is aſſured he will receive, though he be Catholic, and you Proteſtant, in religion. You have opinions, Gentlemen, as many have delivered them, that are not favourable to the Catholics, and we all have religious prejudices ariſing from thoſe of our education, and our early habits, yet you will, I am ſure, recollect, that juſtice is due to all. You have now before you, not merely an innocent individual, (which title, by the bye, is enough for any thing that can be aſked for, in a court of juſtice for an injury) but, as I am entitled to conſider him a perſon actuated, in all he did on the occaſion to which the libel of which he complains refers, by the moſt pure, honourable, and patriotic motives, as honourable a member as any in the Britiſh community.

Gentlemen, I will now ſtate to his lordſhip, and to you, what the reaſon was that ſo many noble perſons appeared on the bench, and I did not think it neceſſary that they ſhould continue here to their own inconvenience, and when their preſence may be important elſewhere, on ſtate affairs, when the queſtions which I had to aſk of them his lordſhip might think unneceſſary, and while the examination of the noble Earl now remaining on the bench, (Lord FINGAL) will be ſufficient for my purpoſe.

Gentlemen, it appears that the *Anti-Jacobin Review*, whatever it may otherwiſe have of merit or of demerit in any of its paſſages, with which I have nothing to do, while I am here repreſenting Doctor TROY, but as they have invaded his *happineſs*, becauſe they have invaded his honour. It proceeds to remark, in inflammatory language, on parts of the correſpondence which took place between a noble lord at the head of the profeſſion of the law in Ireland, and a noble Earl reſident in that country, and now upon the bench, I mean my Lord FINGAL, in which reference is made to material and important facts, in which I have only to ſhew that many of them are miſrepreſented, and others of them diſtorted, and the reaſoning on them, therefore, highly injurious to the reverend gentleman who is the object of its malice. Opinions are given in this publication, and they are illuſtrated by aſſumed examples; as far as theſe are general opinions or general illuſtrations, as far as they relate, in the abſtract, to the apprehenſions which ſome men may entertain, or pretend to entertain, of the danger ariſing from the ſucceſs of the Catholic mode of faith in the Chriſtian world, I can have no objection to their diſſemination, however repugnant they might be to facts, or however reverſe the reaſoning; men may argue as they feel their conviction, either that the Catholics ſhould have more or ſhould have leſs than they have at preſent, of power in the ſtate, or that thoſe who oppoſe them

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or ſupport them, are the wiſeſt politicians; all this is ſpeculative, and is the ſubject of free and fair diſcuſſion, and muſt be allowed at all times, although it is not difficult to ſee there may be times in which diſcuſſions of ſuch a nature, may be attended with peculiar inconveniencies, diſcuſſions muſt, however, be free, and to be free, they muſt be at all times, open, they muſt be free at all events, however harſh ſome obſervations may be on perſons who do not deſerve them, and however you may wiſh to preſerve harmony, and avoid diſcord, yet the great principle which we muſt all hold ſacred, is freedom of diſcuſſion; it is that to which we owe our envied liberties, and to which with us, and a good deal by us, the world owes its advancement; there may be, perhaps there muſt be, this apparent diſcord of parts, this colliſion of ſpirit, to produce a general harmony. I have a right to comment on the various ſyſtems of mankind, and to conſider whether they conduce to our happineſs or to our miſery, no doubt of it. I have a right to appeal to the wiſdom of our Maker, as manifeſted in his works; I have a right to publiſh my opinion upon the probable effect of any particular mode of worſhipping that Creator, as it may have an influence on the maſs of mankind called the public: of none of this do we complain; what we complain of is, that the defendant imputes to the individual, in point of fact, what he ought only to contend for, in point of theory; that he enters into a conteſt upon the character of an individual, upon a ſubject which is properly between him and the public, and which he ought to ſettle with the public. He then comes to a part of the conduct of Doctor TROY, on which I am happy to be of opinion I ſhall have your concurrence in what I advance, for it is a ſubject which once did, but no longer does, awake the jealouſy and apprehenſion of men, and which muſt have filled the breaſt of every honourable man, who felt for the ſafety of this country, but which alarm and apprehenſion are now worn away. I am happy they are ſo; I mean the danger ariſing from the prevalence of French principles. A change has taken place in the government of France, which has produced a great effect all over Europe. There is now, no falſe liberty held forth to the thoughtleſs, no falſe lights, no ignis fatuus to miſlead men to their ruin, by falſe guidance; for we have ſeen that in all the changes of governments in France, the one did not improve upon the other, and at laſt we ſee a black deſperate deſpotiſm devour all the reſt. The faſcination of theſe falſe lights is therefore over, and never can return, in our time. I ſtate this for the purpoſe of ſhewing that all hopes of connection with France, by means of their public profeſſion of principles, are totally extinguiſhed.

Gentlemen, I am now about to enter upon the hiſtory of the facts of this caſe. There was, ſome time ago, a rebellion in Ireland, which has been called the rebellion of the Catholics, but which was not excluſively the rebellion of the Catholics, but was of Catholics and Proteſtants united; it was a rebellion, not of Catholics alone, or of Proteſtants alone, nor of any claſs of men alone, but it was a rebellion of thoſe who were in their ſpirit rebellious, and it proceeded, not only to that alarming, but at laſt, to that diſguſting ſtate which cannot be recited without pain, nor reflected upon without horror; and I am ſorry to have occaſion to bring into recollection any thing concerning it—a ſcene of indelible diſgrace to its actors, in which the moſt hideous atrocities were committed, and in which that venerable and excellent perſon (Lord KILWARDEN) who filled the ſame ſituation on the bench of juſtice in Ireland, that the noble and learned judge upon the bench, before whom I have the honour of addreſſing you, now fills in this

court, and who is to aſſiſt, and moſt aſſuredly will eſſentially aſſiſt you in the trial of this cauſe; a man revered for his virtue, reſpected for his learning and beloved for the mildneſs of his manners, was murdered in the public ſtreet of Dublin. It is a diſguſting ſubject, and I truſt that the memory of it will paſs away, and leave no further trace behind of the ſpirit that gave it birth, but that the penitence and prayer of its perpetrators, may afford them relief, and that nothing will be done, in future, to bring it again to our painful recollection. Gentlemen, at that time, Doctor TROY had influence over the profeſſors of the religion which he follows; as he could not but have influence, for how could ſo much learning and piety be without influence where it was known; he was an excellent character, which, of itſelf, muſt have influence among all deſcriptions of mankind; it always has had, and always will have great influence, and it has it more remarkably in the Catholic world than any other, and he thought (and you are to ſay why the defendant took that opportunity of attacking him) that he could quell the ſpirit which had appeared ſo recently, and which had produced effects ſo dreadful, by addreſſing thoſe over whom he had influence, and by telling them that they were then fighting, not only againſt a mild and benevolent government, to which they owed temporal allegiance, but alſo againſt the ancient holy Catholic and Apoſtolic church, whoſe ſpirit condemned their doings, and in which he held up to their imagination, the horror which muſt enſue, if they did not deſiſt; he addreſſed them, as, indeed, I am ſorry to ſay, is too commonly the caſe, with much more fervour than the clergy of our eſtabliſhed church are accuſtomed to do; and the addreſſes of both are generally attended by correſponding effects; and it is a well eſtabliſhed fact, that the Catholic world are much more under the influence of its paſtors than the Proteſtant are, their flock regarding them more in the primitive and Apoſtolic ſpirit, and there they ought to be tenderly regarded by their opponents, as well as protected by the laws; while they make ſo good a uſe of the power they have, as Doctor TROY did, on this occaſion. I ſay, that ſuch perſons, ſo acting, ought to be applauded, or, if that be conſidered too much, they ought, at leaſt to eſcape cenſure. Doctor TROY, on the 24th day of July, 1803, the very day following that awful cataſtrophe in the ſtreets of Dublin, addreſſed this exhortation to the numerous body of clergy who were under his direction, and who, in their turns again, had much derivative influence, and who publiſhed that exhortation to their flocks, ſo that the influence might be ſaid to have been ſpread over the whole body of the Catholics of Ireland, as it were at once. The Exhortation of Doctor TROY, who is the ſubject of this defendant's calumny, is, as follows, directed to all the inferior clergy in the different pariſhes in Ireland, under his influence. [Mr. ERSKINE here read Doctor TROY's Exhortation, dated *Dublin, Sunday*, the *24th* of *July*, 1803, and ſigned by Doctor TROY.] On Sunday, the 24th of July, the very day following the inſurrection, this patriotic, this good, this pious exhortation was circulated, as will appear before you in evidence, by which it appears that he inculcates a love of God and the author of our holy religion, honour to the king, obedience to ſuperiors, for that all power is from God, inſtead of turbulence and outrage, and contempt for the authority of the laws.

Gentlemen, I cannot help pauſing here for a moment, to call to recollection what occurred to the Earl of HARDWICKE, as it refers to this horrid cataſtrophe, a remarkable circumſtance paſſed in this court, in the preſence of the noble and learned judge, who is to aſſiſt you in forming your judgment

judgment in the trial of this cauſe, and there is, by accident, preſent in court, a gentleman of high character and honour, who knows how important the matter is, which I am now about to relate; it appeared, that ſo mild, ſo gentle, ſo humane was the adminiſtration of my Lord HARDWICKE at that time, and particularly before that horrid atrocity, that people wondered at the rebellion breaking out at the time it did, and ſo ſuddenly, and not ſupported by a greater force than it was, until it turned out that one of the deluded perſons in that mad adventure, a conſiderable man among them, and a leader in their counſels (Mr. EMMETT) declared on the ſcaffold, as the honourable perſon (Mr. WICKHAM) who now ſits on the right of my LORD CHIEF JUSTICE, can teſtify, that ſuch was the mildneſs and humanity of the government, it would utterly extinguiſh the ſpirit of revolt which had been kindled in the minds of thoſe who were originally engaged in the rebellion, unleſs it was commenced ſoon, and that unhappy perſon who had ſo material a ſhare in promoting that rebellion, alledged, that as a reaſon why it took place at that period, he ſaid "that if it was not commenced then, it would be too late, becauſe the ſpirit of inſurrection was declining daily on account of the mildneſs of the government;" and this is ſo far from being denied by Doctor TROY, that he makes uſe of it in his exhortation to his flock. He brings them up to a ſenſe of their religion, as profeſſed by their ancient church; he treats them as a pious teacher of the goſpel of Chriſt ſhould teach his flock, according to the true principles of the Catholic communion, which alone could influence *their* minds, and direct *their* conduct—a duty which, truth to ſay, is equally impoſed on Proteſtant paſtors, as on Catholic, whether equally diſcharged, it is not neceſſary, at preſent to examine, on this occaſion however. Doctor TROY delivered to his clergy, what was by them diffuſed among all the Catholics of Ireland, one of the moſt pious and fervent, and, at the ſame time, truly eloquent exhortations that were ever compoſed by human genius. By this exhortation Doctor TROY holds out to the people, eſpecially the Catholics of Ireland, the true hiſtory of the miſeries of France, brought about by the iniquity of its leaders—that, under the monarchy of France, the revolution began well, but ſoon afterwards degenerated, and ſpecious but dangerous doctrines were brought into, and induſtriouſly ſpread in Ireland, from France, by which crafty and deſigning men endeavoured, too ſucceſsfully, to change the ideas of the people concerning government, to take away their reverence for conſtituted authorities, in order that thereby they might be prepared to receive that freedom which the French pretended to enjoy, but which themſelves did not poſſeſs, and that it is to a belief in theſe deluſive profeſſions, was owing thoſe rebellious diſpoſitions which afterwards were manifeſted by acts the moſt atrocious—that a belief in theſe deluſive profeſſions, was the cauſe of all the miſery which had been felt by ſo many whole nations, and by which empires had been overthrown and kingdoms loſt, or reduced to ſlavery and deſolation. Here again, Gentlemen, I muſt take the liberty of reciting the language of this venerable perſon, in this admirable exhortation, in which he ſays—"The horrid ſcenes of laſt night"—[Here he read the words of the Exhortation, beginning with theſe words—"The horrid ſcenes of laſt night"—and ending with the words—"Such is the freedom of that once happy country."]

Gentlemen, If this had been written by any common man, entitled to expect no influence over others by a known, eſtabliſhed, pre-eminent excellence of character, but by a man who until then had been obſcure, the

truth

truth of the ſentiments, the force of the reaſoning, and the brilliancy of the ſtile, would, immediately, have brought its author into notice, if it had been read by a beggar in the ſtreets; and he would, at once, have been obſerved to be a valuable friend to the welfare of a country, the circumſtances of which were critical; he would have been, at once, acknowledged as a man deſerving of the protection of a prudent government; who would have been entitled to requeſt that he ſhould not be made the ſubject of rancourous abuſe, but that a regard ſhould be had for him, on account of his moſt valuable publication—If that be ſo, and nobody can deny it is; how much more reaſon has Doctor TROY to complain, that not only himſelf, thus meritoriouſly acting, but alſo his ſacred function, has been diſregarded by this defendant, who has ſlandered him, in his publication of the *Anti-Jacobin Review*, I ſay by this defendant, for Doctor TROY is not ſo regarded by thoſe who know him beſt, on the contrary he is eſteemed by the moſt eminent in Ireland, and hence it was that I wiſhed that a great number of noblemen and honourable gentlemen, of whom the government of Ireland was compoſed at the time when this inſurrection happened, ſhould appear; for they would have told you that Doctor TROY was ſo far from deſerving the cenſure which has been caſt upon him by the libel of which he complains, that his conduct was the ſubject of the warmeſt approbation of the different members of the executive government, and in ſupport of this obſervation I have ſeveral letters from perſons high in office, and particularly from my Lord CHICHESTER, (late Mr. PELHAM) whoſe abſence I lament, by which that diſtinguiſhed ſtateſman beſtows his valuable applauſe on the exhortation of Doctor TROY, which I have already read to you, an exhortation which every prudent government would and muſt applaud, and to eſtabliſh it by evidence would be to give ſuperabundant proof of that which needs not any; but had I my Lord CHICHESTER here himſelf, it would be regular in me to examine him, and he would prove more in favour of my client than it is in my power to ſtate in his behalf; and as to his letters, were I to offer them in evidence, the noble and learned Chief Juſtice now upon the bench would object to it as irregular in point of law, becauſe the author of them is living, and he ſhould be here as a witneſs himſelf; but the plaintiff, Doctor TROY, inſtead of being what you would ſuppoſe by the publication of his calumniator, a man of no influence except what his genius and virtue could produce, which, by the bye, can never be inconſiderable any where, or at any time, is indeed a perſon of an high and revevend ſtation in the Catholic ſociety to which he belongs, the Titular Arch biſhop of Dublin; and that is alſo a matter to be conſidered by you upon this occaſion, for, as every word which falls from his Lordſhip upon the bench, coming from the authority which belongs to it, produces, and ought to produce, much greater effect, than it could produce from us at the bar although we might utter the ſame ſentiments, in the ſame words; ſo it is alſo when any thing comes from executive government, it produces greater effect than if it came from an individual, becauſe much of the effect of any expreſſion depends, not upon the merit of the expreſſion itſelf, but upon the authority whence it came, the more elevated that authority, the deeper its expreſſions ſink into the minds of thoſe who hear them; ſo here the words of this exhortation came, not from an obſcure man to an indifferent audience, but from an eminent man to an admiring one; not from an author to his equals, but from a paſtor to his flock; neither is it for this libeller to deny that the higher prieſts of the Catholic Church have an influence over

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their inferior clergy, it therefore follows that the influence of the exhortation of Doctor TROY was in proportion to his eminence among those to whom it was addreſſed. Every thing that came under the ſanction of the pen of Doctor TROY, came from the ſanction of high and regular authority, and was entitled to attention, which, in this caſe, it met with, for it was entitled to the higheſt degree of praiſe.

Suppoſe that inſtead of this excellent exhortation by Doctor TROY, he had written to his clergy one of another ſort, and had ſtated, there are many things in France worthy of our imitation—that the taxes in England are much more numerous and heavy, that we had deviated in many reſpects from thoſe principles of our anceſtors, by obſerving which this country became ſo conſiderable, and ſo eminent in the view of the other nations of the earth; with a view thereby to inflame the minds of the people with reſentment, and to alienate their affections from the ſtate, would he not have become a ſubject of indictment? And ſo if he makes uſe of his influence to rouze the ſpirit of thoſe who are under its guidance, to a due ſenſe of their duty to their Maker, to their King, and to their Country, to reſtore them to the temper and diſpoſition of good ſubjects, ſhall he not be protected by the laws of this mighty and united empire? ſhall he, for doing that which is moſt meritorious, be the ſubject of a libel which ſeeks to deſtroy his reputation and to blaſt his fame? is this to be the reward of a man, who, for the purpoſe of quelling a rebellion, addreſſed his countrymen in theſe words:

[Here the exhortation, publiſhed on the 24th of July, 1803, was read in ſubſtance as ſtated by Mr. ERSKINE in the opening.]

Gentlemen, As ſoon as this exhortation was penned by Doctor TROY, he directed it to be printed and publiſhed, and circulated moſt extenſively, and upon its being printed and publiſhed and circulated, much public benefit immediately aroſe, and the noble Lord (FINGAL), who now ſits by my Lord ELLENBOROUGH, who is a perſon of great rank and diſtinction in Ireland, eminent for his talents, and revered for his virtues; feeling the great advantages which his exhortation had produced, and was likely to continue to produce, did allude to it in a certain correſpondence which took place between that noble Earl and the noble perſon who is at the head of the law in Ireland, and in which, reaſons were aſſigned for concluding favourably to the Catholics upon that occaſion; but on which it will be unneceſſary to dwell at preſent; for although the noble Earl be of great authority, yet the exhortation can well ſpeak for itſelf in this Court, and there was but this one exhortation penned by Doctor TROY upon this ſubject. Of that exhortation you have now perfect knowledge, of its tendency nobody can doubt any more than of the purity of the motives of its author—look at the return he received for his conduct. The author of this libel begins by ſaying, "Before I recal to mind any of the particulars, I think it right to obſerve that the letters addreſſed by Lord REDESDALE to Lord FINGAL"—making pretty free, I think, with my Lord REDESDALE. It then goes on, in page 325,

"Nothing affords ſuch ſtrong evidence of popiſh diſſimulation in Ireland, as the exhortation of the Romiſh clergy, and the loyal addreſſes of their flocks. They have commonly been found to be ſure preſages of a deep laid conſpiracy againſt the Proteſtant ſtate; and after it has exploded in rebellion, their clergy generally lament, from the altar, the deluſions of the people, and their treaſonable conduct towards the beſt of Sovereigns, and the only conſtitution that affords any degree of rational liberty; though

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from the nature of their religion they must have known, and might have prevented."

"He must have known and might have prevented." Now, suppose the libel had stopt here—I should have said that he was a great enemy to the public peace and security; I should have said, it was a great insult to the Catholic world; I should have said, that in every view it was a dangerous libel, as it tended to separate those whom it is the general interests of the empire to unite; instead of good, to create evil; instead of harmony, to produce discord, where harmony was already wanting, as the only cure for that discord which had before existed. I would say, that at a time when the country was thrown into rebellion, in which a certain description of persons were supposed to have the predominant share, to create a general hatred of the evils which are supposed to result from a Catholic establishment, was most wicked, because it was most dangerous; when we know that the professors of that faith believe that their pastors are the disciples of Christ, who, under an holy faith in his divine religion, assist them in their devotions to their God; I do say, that to stir up the Catholics, by abusing their tenets, at so critical a season, was doing that which, if a man discreetly considered what he was publishing, must appear to him to be full of danger, and what he could not fail to view as a rash and unadvised publication; however, being general, it must be tolerated in a free state; and, although Doctor TROY would have come in for his share of the obloquy, yet I should have thought that Doctor TROY could not have placed himself in the situation in which he stands before you to day, for I should have thought the observation much too loose as applicable to the character of Doctor TROY; but see how the libeller goes on. He says "that Doctor TROY must have known all the circumstances which preceeded the insurrection in Dublin on the 23d of July, 1803," the very day before he published this exhortation, and yet he did not put government on its guard, and that the administration were convinced of his treachery." [Here he read the paragraph of the *Anti-Jacobin Review* where that is stated.]

Now, gentlemen, I ask you, and it is for you to say upon your oaths, what compensation ought to be given to Doctor TROY, under such circumstances, for we are here in an action of slander for the vindication of character, against a libel—charging that character with an act which the utmost malignity of man, or of a dæmon, if his conduct could have any circulation among mankind, could possibly invent; and this too of a person who is acknowleged by the noble persons who some time ago sat upon the bench by my Lord Chief Justice, but whose evidence his Lordship could not receive agreeably to the rules which govern the formal administration of justice, to be a person who rendered the state most essential service, by that very exhortation, for which he is reviled by this defendant;—who has received the thanks of those exalted persons as members of the state—Mr. WICKHAM, who is now court, knows the fact to be so—many noblemen and gentlemen of the highest situations in government know the fact to be so—the thanks of these exalted characters are now in the possession of the plaintiff, for the services he has rendered to the state—be that as it may, I am not entitled, I am afraid, to offer it in evidence before you, on the trial of this issue. Suppose it not to be so (although it is so) what is that to this defendant, who had a right to justify what he said on this occasion by the rule of law, under the force of the present action—has he justified this publication? If it was true he might, and he might have proved the truth

truth of it; but he has not; by which he admits that he has calumniated the plaintiff: in a subsequent part of the libel he goes on and says what is false; what he knows to be false, and malignantly false; that this eloquent exhortation of the plaintiff to his inferior clergy, which was by them circulated among their flock; was merely issued in point of form to give an appearance to things, without reality, that it was ready cut and dry, previous to the catastrophe to which it refers;—ready to issue immediately after it should happen, and this the defendant says must have been so, because Doctor Troy knew from the communications with his inferior clergy, to whom the principal insurgents had made confessions, that the event would happen. That they had made to their priests, confessions of their purpose, to murder their fellow-subjects. That Doctor Troy knew all this long before it happened, and that possessing a knowledge of what would happen, by knowing the cause of it all, he treacherously concealed it. The defendant, by his libel, insists that Doctor Troy must have known all this from his situation as a priest, by means of his inferiors in the church, whose influence over the lower orders of the people, is such, that nothing is concealed from them—that there is in the character of the religion they profess, something which leads every man when he commits a crime, to confess it to his priest, that, however horrible the act, yet he is making his atonement when he is making a confession of it to his priest, and that they are not altered in their character for concealing it, even when they know that rebellion is intended: that Doctor Troy knew all this, and yet treacherously concealed it, and that after the horrid act had been perpetrated, he came forth with an hypocritical lamentation for it, and an ostentatious exhortation to repentance, when the mischief was over. Gentlemen, if I were to endeavour to pourtray a fiend, or a being of the most horrible description, which the mind is capable of imagining—of supernatural malignity, fatally bent on havock to the human race, I should say it was the picture of the mind of that man, whom the defendant describes my client to be; for according to this libel he is inciting murder to create treason, and encouraging rebellion to promote murder—creating confusion to invite the invasion of his native land, by a foreign foe; calculating the chances of a *civil* being aided by a *foreign* war, and that he is doing this in the hallowed name of religion, in which he is making use of the reverence of his name, to conceal the design, and the better to promote the mischief; and using the influence he has over the professors of his faith, and availing himself of the communications which are made to him, in a manner that might make the treason more extensive, and then, to appear as a saint, issuing forth an hypocritical exhortation seeming to lament the means by which treason and rebellion had been accomplished—that is the substance of the charge which has been exhibited against this reverend gentleman, by the libel of which he complains before you to-day. If a man who is assaulted at an opera, but whose moral character is not at all affected, can yet, for an assault in which the origin of the dispute was doubtful; receive a verdict for considerable damages, from gentlemen of your description, which was the case in the very last trial, and which many, if not all, of you heard;—what are we to say to that which is now before us?—Gentlemen, on the subject of damages, the rule appears to me to be this—you have only to ask yourselves this question, What would either of you expect, or think himself entitled to, if he presented himself before a jury, as my client presents himself before you, under all the circumstances of this case? What would be your own sense of the injury

you

you felt that you had ſuſtained, in that diſtant part of this empire, had you happened to be a ſubject, obliged to come here in conſequence of a great national act, intended, and I truſt well calculated, for the happy union of the Britiſh empire? Whatever that ſtate is, it is the rule by which your verdict ought to be governed. Indeed I am not ſorry that this cauſe is tried at ſo much diſtance from the ſpot on which the ſcene took place that gave it birth, although it be at the diſadvantage of the plaintiff, whom I repreſent, that he is tried before thoſe who do not know him, becauſe he is indeed one whom to know and to reſpect are convertible terms; I am not ſorry that we are now trying the cauſe of a complaint, the ſubſtance of which, or rather the foundation of which, aroſe in Ireland, although the act complained of, which is the publication of a pamphlet, took place in this country. It is tried as it well may be, in the metropolis and the centre of the empire, where its juſtice as well as its legiſlature is united, and where juries can be found who are equally remote from either party, free from thoſe animoſities and heats ſo natural to be expected among thoſe whoſe families may have ſuffered in ſome part or other: and as all remote parts are enlightened from the centre, of the conflict, ſo we ought to know and to feel and to make every part of the empire feel that Great Britain is the centre of the ſyſtem, where every political advantage emanates, where virtue is protected by the puniſhment of vice. That all parts of this vaſt empire may know, that if they come here to ſeek redreſs they will never be diſappointed; ſo ſhall it be found that although there are other ſtates, and kingdoms, and empires, that enjoy ſome bleſſings which we do not poſſeſs in the natural world, yet that in the moral world we are not equalled by any; and that where one individual is injured by another, his Lordſhip and you will take care in the adminiſtration of juſtice, as it belongs to you, he ſhall have as much of the eſſence of it as any human tribunal can afford him. So that you will take care that as this is the firſt caſe in which a Catholic clergyman appeals from one part of the empire, to a Proteſtant tribunal in another, it ſhall be diſtinguiſhed by its juſtice. This is the caſe of a virtuous man, who has done wrong to none, but good to many, but who has been himſelf wronged moſt grievouſly. and he ſubmits his caſe to your judgment where he is ſure to find juſtice,

I ſhall now ſit down with expreſſing to you my acknowledgment for the attention you have honoured me with on this important occaſion. One thing had nearly eſcaped me which I cannot paſs over without notice, to which I believe I alluded very imperfectly in the commencement of my addreſs to you, which is, that this caſe, although it be that of a *Catholic prieſt* appealing to a *Proteſtant tribunal*, has no concern whatever with the great queſtion of State which has lately been agitated in the great councils of the nation, which was diſcuſſed, I am happy to ſay, with moderation and candour, the characteriſtic of a true dignity applicable to the importance of the ſubject. The Catholics are conſcious of the juſtice of their claim for thoſe employments in the State which are poſſeſſed by others; but they know the prudence, and they feel the propriety, of being perfectly obedient to the law; they ſeek for juſt as much as, but nothing more than, parliament will give them of power in the State: they at preſent have not—they cannot have all the bleſſings of the Britiſh government, as others of the ſubjects of the Britiſh empire enjoy, this they fondly hope and confidently truſt they will one day be able to obtain, and I believe they will, nor have I any doubt that it not only is the duty, but alſo the wiſh of every virtuous man among

among them, to watch every opportunity for the time to come to renew their application for the enjoyment of all these blessings. In the mean time Doctor TROY submits his case to you, in which he asks nothing from you, but that he may be considered as a subject of this country who has offended no law, but who appeals to its justice against the wrong he has endured, and by the due administration of which his character, as well as that of every other gentleman in England and Ireland, may be protected.

EVIDENCE.

CHARLES WILLIAM AUBER, *Examined by* Mr. WOOD.

Q. Have you got the *Anti-Jacobin Review* for July 1804?——*A.* I have.

Q. Where did you purchase it?——*A.* At Mr. Symonds's shop in Paternoster Row.

Q. Who did you purchase it of?——*A.* Of a person serving in the shop. Will you give it in, Sir.

Lord ELLENBOROUGH. *Q.* You purchased it of a person who appeared there to sell books in the shop?——*A.* Yes, my Lord.

The book was then delivered in to be read by the officer, in the different passages stated as libels in the Declaration.

Mr. ERSKINE. Will you read in page 325, beginning "Lord FINGAL then said——"

Mr. GARROW. My Lord, perhaps I may save some time by what I am about to submit to your Lordship.—In the view I take of this subject it will be necessary that the whole of this book should be read to the Jury—sooner or later that must be done. My learned friends, who are of counsel for the plaintiff, will do as they please, they have a right to make a selection only, but this I submit to their discretion, by way of saving time, I have no choice as to the mode, I will declare at once that my object is to shew to your Lordship and the Jury, that this publication is nothing but a critique on the whole correspondence between the two noble Lords whose names occur in it so frequently.

Mr. ERSKINE. Let the whole be read, I have no objection.

Mr. GARROW. That, I think, will be the more convenient course, for the publication itself will make a material part of my address to the Jury.

The officer of the Court then read that part of the *Anti-Jacobin Review* for the month of July 1804, which related to the observations on the correspondence between Lords Redesdale and Fingal.

CAPTAIN COLE *Examined by* Mr. TALBOT.

Q. You are an officer in the army, I believe, Sir?——*A.* I am, Sir.

Q. Were you in Dublin in the year 1803?——*A.* I was.

Q. Was there an insurrection in Dublin in that year?——*A.* There was.

Q. In what month of the year was it?——*A.* It was on the 23d of July, 1803.

PATRICK WOGAN, *Examined by* Mr. WOOD.

Q. You are a printer, I believe, are you not?——*A.* I am.

Q. You live in Dublin, I believe?——*A.* I do, Sir.

[Look at that MS. giving the witness a written paper.]

Q. Did

Q. Did you print that exhortation, Sir?——*A.* I did, Sir.

Q. Did you print many copies of it?——*A.* I believe about 80, or ſomething that way; I printed as many as Doctor TROY thought he had parish prieſts in his dioceſe.

Lord ELLENBOROUGH. *Q.* Had he that number?——*A.* Yes, 80, and more I believe, but I am not certain of the number.

Croſs Examined by Mr. PARK. *Q.* You are a bookſeller alſo as well as a printer?——*A.* I am a printer and bookſeller alſo.

Mr. PARK. So I thought.

Witneſs. Yes, I am.

Q. Doctor TROY was the author of that paper?—*A.* I am ſure he was.

Q. You ſell books there of courſe; did you ſell Reviews as they came from England?——*A.* No; I am rather a wholeſale bookſeller.

Q. Do you know that that Review [giving him the Anti-Jacobin Review in queſtion] came over from England to Ireland?——*A.* Indeed I do not.

Q. Is it circulated as it is with us—it is the Anti-Jacobin?——*A.* Indeed I ſuppoſe it is, Sir.

Q. Have you ſeen it in Ireland?——No, indeed Sir, I have not; I never go into the other bookſeller's ſhops; but when they come into mine I ſell to them.

Q. You never amuſe yourſelf with reading theſe pamphlets?——*A.* Indeed I do not.

Re-Examined. *Q.* When did you receive that MS. from Doctor TROY?—*A.* On the morning of the 24th of July he ſent it to me, and on the Monday following I printed it.

Lord ELLENBOROUGH. *Q.* Which was on the 25th?——*A.* Yes, my Lord.

[Here the exhortation was read by the officer of the Court, dated Dublin, Sunday, 24th July, 1803.]

The Earl of FINGAL, *Examined by* Mr. ERSKINE.

Q. My Lord FINGAL, you are of the Roman Catholic perſuaſion?——*A.* I am.

Q. And dwell in Ireland?——*A.* I do.

Q. Is that which has been juſt now read by the officer of this Court, the Exhortation you alluded to in your Lordſhip's Correſpondence, taken notice of in the publication which has been read.—Is it the exhortation your Lordſhip alluded to?

Mr. GARROW. The alluſion of the noble Earl is ſtated to have been in the courſe of a *correſpondence*; that alluſion is a particular alluſion of the noble Earl, and a ſpecific one, in *writing*, and we cannot have that alluſion proved in this way. There is an allegation that the noble Earl made alluſion in a letter written by him to another perſon of high rank and conſideration; we can hear nothing of that letter unleſs it is produced.

Lord ELLENBOROUGH. The alluſion was in a letter you ſay?

Mr. ERSKINE. When the libel itſelf, which has been read to your Lordſhip and the Jury, is, as my learned friend Mr. GARROW himſelf ſtates it, a commentary on that correſpondence which took place between my Lord

Lord FINGAL and my Lord REDESDALE, I ſubmit to your Lordſhip, that the noble Earl now under examination, may be permitted to give evidence of his alluſion to that exhortation on which ſo material a part of the correſpondence was founded.

Mr. GARROW. My Lord, my objection is this: a certain printed paper which is called a libel, has been read in evidence, another certain written paper is alſo read in evidence; an alluſion is ſaid to have been made to that paper in writing, that alluſion is ſtated to have been made by the noble Earl now under examination; my objection is this, that ſuch alluſion, whatever it was, was contained in a letter written by the noble Earl, and that, therefore, no proof can be given of it by parol.

Mr. ERSKINE. Q. Was it the exhortation of Doctor TROY your Lordſhip alluded to in your correſpondence with my Lord REDESDALE?

Mr. GARROW. That is the very thing that I am objecting to.

Lord ELLENBOROUGH. We muſt ſee the letters, certainly, or hear nothing about them.—Has my Lord FINGAL got the letters?

Mr. ERSKINE. No my Lord—your Lordſhip will deal with the obſervation I am about to make, as it is fit it ſhould be dealt with, but it is my duty to make it, and which ariſes from the courſe taken in reading the whole of the libel—now, I apprehend, that as this libel is what my learned friend ſtated it to be, "a running commentary on the whole correſpondence" which took place, by letter, between my Lord FINGAL and my Lord REDESDALE. That as the libel itſelf, takes upon it, as I may ſay, to refer to all the letters, written by my Lord FINGAL to my Lord REDESDALE, and which letters are ſtated in the libel itſelf, to allude to the exhortation of Doctor TROY, and incorporate, as it were, the words of that exhortation, I have a right to aſk my Lord FINGAL the queſtion I propoſed, my Lord—in their libel they they ſay this, "Before they advert to any of the particulars, they think it right to obſerve that the letters addreſſed by Lord REDESDAEE to Lord FINGAL"—that is in page 317.

Chief JUSTICE. "Correſpondence between Lord REDESDALE, and Lord FINGAL, there cannot be, as here ſtated, except the ſpecies of correſpondence which conſiſts in their having written to one another.

[Here Mr. ERSKINE read the words in the *Anti-jacobin Review*, 317. And alſo words in page 319, on the ſubject of the obligation which the Catholics of England owed to Lord REDESDALE, and lamenting that his Lordſhip ſhould have the opinion he has of the Catholics, who ſaid, that the Catholic opinion is the ſame every where: and then adverted to page 321, where Lord FINGAL obſerves that the Catholics expected a full ſhare in the conſtitution, &c. and then alluded alſo to that part of Lord FINGAL's correſpondence which referred to the exhortation of Doctor TROY; and alſo to that part of Lord FINGAL's letter in which he ſaid that Lord REDESDALE had pleaded the cauſe of the Catholics.]

Now, my Lord, ſaid Mr. ERSKINE, ſuppoſing that could not be neceſſary or perhaps not fitting, that the whole of thoſe letters ſhould be read in this court, and as we cannot have the benefit of the teſtimony of my Lord REDESDALE.—Indeed, without his Majeſty's permiſſion, he could not come from Ireland, and therefore we are prevented from giving the whole of the real teſtimony we might have had, as well as the documentary. Have I therefore, not a right my Lord, to aſk the noble Earl, whether the exhortation of Doctor Troy, which has been read to your Lordſhip and the jury, was or was not the exhortation to which the noble Earl alluded? Now, the very complaint we make is, that Lord FINGAL

having made that allusion, that they, by denying it, have taken an opportunity of reviling Doctor TROY, and they say, that my Lord FINGAL was imposed upon by his good nature, and by his trust and confidence in the Catholic clergy, and they write answers and criticisms upon my Lord FINGAL's good nature, and on what he wrote to my Lord REDESDALE; and they say too, that Doctor TROY must have known what he wrote, not to be true. I therefore submit, that under all these circumstances, I am entitled to ask the noble Earl, whether he alluded to the Exhortation of Doctor TROY?

Chief JUSTICE—Will you read the allegations on the record?

Mr. GARROW—The allegation is this: [reading the words of the declaration] That, late before the printing and publishing of the malicious, scandalous, and defamatory libel, hereafter mentioned, the Earl of FINGAL had, in a certain letter, written, or caused to be written, by him, the said Earl, to Lord REDESDALE, alluded and adverted to the above-mentioned Exhortation, so written, composed, and published, and caused, &c. to be written, composed, and published, by the said plaintiff, in Dublin, &c. as aforesaid.

Now, my Lord, I have never heard an objection stated, in which I had more confidence, than that which I am now pressing before your Lordship. The language of this declaration is—"That the noble Earl, now near your Lordship, had written, and caused to be written to my Lord REDESDALE, (of which there is no evidence, and can be no evidence, but by the production of the original letters) an allusion is made to the absence of an eminent person, at the head of our profession in Ireland; my Lord, if his attendance had been thought by him, to be essential to the administration of justice, I am sure he would have attended, and I am sure also, that no obstacle would have been thrown in his way. As to the passages in any supposed letters of my Lord FINGAL, they do not profess to have seen any manuscripts of my Lord FINGAL, they advert to certain letters in print, from Doctor COPPINGER. If they printed any thing of the correspondence we have seen, I am bound to believe, they printed it entirely without the authority of the noble Earl. I am bound to suppose, out of respect to the noble Earl, that they have introduced into the world, under the title of the correspondence of that noble Earl, interpolations not at all justified by the signature or authority of the noble Earl, now upon the bench. What is alluded to, by way of correspondence of the noble Earl is, what I am bound to consider, as a mere printed paper of supposed letters of my Lord FINGAL. That somebody has printed something, purporting to be letters of my Lord FINGAL, not delivered at all to my Lord REDESDALE, but which, in point of fact, is falsely alledged to have been delivered to my Lord REDESDALE, and this shews the great injustice, as well as inconvenience to have any allusion to a thing, without having the whole of it before us, so that they might be read, as the publication proved has been read, by the officer of the court. So much for the inconvenience of talking of allusion to things, that are in themselves not genuine; but I am, at present, on a pure dry question of evidence, and my objection to asking the noble Earl, the question proposed by my learned friend is, to give evidence by *parol*, of *written* document

Chief JUSTICE—The allegation in the declaration is, "That Lord FINGAL had, in certain letters, written, or caused to be written, certain matters therein specified." Now, in order to verify that allegation, we ought

to

to have before us, these letters. I am going with Mr. ERSKINE, as far as I can; but, as soon as we hear any thing of that which is in *writing*, we cannot proceed without that writing. I cannot hear, therefore, of any thing in the shape of *letters*, between these two noble persons. If, indeed, we had evidence that these noble Lords had done, what some people, I understand, are in the habit of doing, had destroyed their correspondence, then, evidence, by *parol*, might be received, concerning them. As to the allegation in the declaration, whenever it is specific, it must be established by specific proof.

[Here Mr. ERSKINE adverted to several counts in the declaration, with a view of shewing, that this species of proof could be received,] saying—"As we do not take upon us to aver, what the allusion of my Lord FINGAL to my Lord REDESDALE was, only that he alluded to the Exhortation of Doctor TROY, without saying it was in this manner, or in that manner, only stating that he did allude to it."

Lord ELLENBOROUGH. Whatever allusion was made by my Lord FINGAL, it was in writing, and it would be breaking in upon the clearest and best established principles of law, to give *parol* evidence of any thing that is in *writing*. When any thing is done in writing, that act so done, must be proved by the production of that writing.

Mr. ERSKINE. I submit to your Lordship, the consideration, "Whether it is not proof as against this defendant, who has *recognised the fact*, by his own act, for he states the fact, that the allusion was made."

LORD CHIEF JUSTICE. That is proof against him that *some* allusion was made, but *what* that allusion was, we cannot hear, when we find it is in writing, without the production of that writing. You may take the fact, that my Lord FINGAL made some allusion, and that he made that allusion in writing; but before you can stir one step further, on that subject, you must produce that writing.

Mr. ERSKINE. He may have alluded to it, by *parol*.

CHIEF JUSTICE. That, my Lord FINGAL can tell us. If his Lordship, said he, alluded to any, by *parol*, it either may, or may not be evidence; but, if he says it was by writing, we cannot hear any thing further of it, without the production of that writing. I cannot get over the rule of evidence, but you do not want that proof, Mr. ERSKINE?

Mr. ERSKINE. My Lord FINGAL had several personal interviews with my Lord REDESDALE, as well as correspondence, by letter; I will, with your Lordship's permission, ask that question.

Mr. GARROW. And when that question is asked, I shall, most assuredly object to it, and that with the greatest confidence, that I shall be sustained in my objection, by the judgment of your Lordship, and my confidence is the greater, because I have your Lordship's judgment already to the greater part of this subject. There is no pretence for saying, that when the writing now before us, which is called a libel, refers to an allusion in a correspondence, between two noble Lords, it is not by letter.

LORD CHIEF JUSTICE. I do think that species of evidence is excluded, for the allegation in the pleadings, refers to a *letter*, whether written, or printed, no matter.

Mr. ERSKINE. If my Lord REDESDALE were here, I should have no difficulty upon this subject, but I must struggle as well as I can, without his testimony.

Lord ELLENBOROUGH. You ſhould aſk whether the plaintiff in this action, is known by the appellation of Doctor TROY?

Mr. ERSKINE to my Lord FINGAL.—Is he known by the appellation of Doctor TROY, my Lord?—*A.* Yes.

Q. Is he a miniſter exerciſing the functions of a Catholic prieſt, in Ireland?—*A.* Yes, he is.

Q. Was your Lordſhip from the reading of that Exhortation now in court, acquainted with its nature?

Mr. GARROW. I object to this Exhortation being ſpoken of, unleſs my Lord FINGAL will ſay that he knew this identical paper now produced, is the one to which he alluded.

Mr. PARK. There is no alluſion to this identical Exhortation at all, in the count of the declaration on which they rely.

CHIEF JUSTICE. Then you will go on with the examination of my Lord FINGAL.

Mr. ERSKINE. *Q.* Does Doctor TROY inculcate the doctrine of the goſpel, according to the forms of the Popiſh church?—*A.* No doubt, he does.

Mr. ERSKINE. Then I am to underſtand, your Lordſhip is of opinion, that I cannot aſk my Lord FINGAL the queſtion I propoſed, about the Exhortation?

CHIF JUSTICE. I think you cannot.

Lord FINGAL *cross examined by* Mr. GARROW.

Q. When your Lordſhip firſt ſaw the *Anti-Jacobin Review*, in which theſe paſſages are contained, I think it was here, my Lord?—*A.* I think it was.

Q. Did your Lordſhip ſee it in *Dublin*?—*A.* No I did not.

Q. You did not ſee it in *Dublin*?—*A.* No, I think not.

Q. Is your Lordſhip ſure of that?—*A.* I am ſure I did not.

Mr. ERSKINE—" I cannot carry that part of the proof further, my LORD."

DEFENCE.

Mr. GARROW—" May it pleaſe your Lordſhip—Gentlemen of the Jury—My learned friend, who has been ſo long and ſo often diſtinguiſhed for the conduct of cauſes in this and many other places, eſpecially where *reputation* is concerned, has expreſſed, with conſiderable emphaſis, that he felt great anxiety on this caſe; his expreſſion was, if I took it correctly—" I feel great anxiety, I do, indeed I do."—Now, Gentlemen, I can aſſure you, without the leaſt affectation, that I feel great anxiety too, that the defence of this client of mine has fallen into my hands, not that, even in my hands, am I alarmed for the reſult, but that I feel it would, in the hands of others of my friends, be better conducted, and, therefore, could I have wiſhed that this taſk had fallen to the lot of another, not that I mean it may not be performed here by me.

Gentlemen, My learned friend has introduced the plaintiff to you, as a diſtinguiſhed perſon in that part of the United Kingdom, which we once called the Siſter Kingdom, which now, thank God, is cloſely united with us, and he ſaid in the middle and the concluſion of his ſpeech, with ſtrong emphaſis, that which conveyed to my mind, pretty plainly, an intimation of a fear that his client would not meet with, what he, however ſaid, he was aſſured

aſſured he mould meet, a fair and impartial hearing, and equal juſtice, to which he is moſt indiſputably entitled. My learned friend ſaid, that in all other caſes, he expected that my Lord and you would do juſtice; I know that both he and you will do juſtice in this, as well as in all other caſes, and I know of no diſtinction that entitles the preſent plaintiff to more attention than any other ſuitor of this court, and I know he will receive as much, both by you and the noble and learned Lord, whoſe abilities we have now for a conſiderable time witneſſed in the adminiſtration of juſtice, which I hope he will long continue to adminiſter, as he has, in all caſes, I know, in all caſes, adminiſtered according to the beſt lights of his lordſhip's underſtanding, on the ſize and character of which, I will, at preſent, ſay nothing, becauſe I cannot advance, by my opinion, the eſteem which all who know him, have for him. We may reſt aſſured, we ſhall have every thing from that noble and learned judge, which the beſt lights operating upon the moſt perfect integrity can give, that in this, as in all other caſes, you, Gentlemen, will have his Lordſhip's faithful aſſiſtance.

My learned friend ſays, that you are, all of you, Proteſtants, and may therefore, entertain prejudice againſt this gentleman on account of his religion. If, by prejudice, my friend could mean that ſort of feeling which may have an undue effect on the determination of this cauſe, I am ſure you have none ſuch, nor do I deſire you ſhould have any ſuch. I do not aſk, I do not deſire your verdict on any ſuch ground; I do not aſk it on any ground but that on which equal juſtice is dealt out to all His Majeſty's ſubjects; I aſk a verdict upon no other ground than that my client is not that calumniator which, my learned friend, for the purpoſes of his cauſe, has thought fit to repreſent to you that he is, but that he is a perſon of a very different deſcription, and entitled to a very different conſideration.

Gentlemen, My learned friend tells you, that Doctor TROY is an unoffending and peaceable individual, nor was that all, for my learned friend ſaid, he ſhould himſelf be a libeller, if he ſtopped there. Doctor TROY, he told us, was not only an innocent, unoffending, but alſo a *meritorious* individual, entitled to great conſideration, and poſſeſſing the eſteem of all who knew him, and highly reſpected by all who ever heard of him. Gentlemen, I do not ſtand here to declaim againſt Doctor TROY, nor to travel out of this cauſe, to take any notice whatever of him, or to inſinuate that he may be calumniated with impunity, it ſhall not be ſaid, that for the purpoſe of obtaining a verdict for my client, I took an opportunity of attacking the character of Doctor Troy. He may be a perfectly fair character; I will go further, and admit that he is, without knowing any thing of the fact; I will gratuitouſly admit that he is a perfectly good member of ſociety, and that, by his virtuous diſpoſition, and the tenets of his faith, he has gained the confidence of the noble Earl, now ſitting on the bench, by my LORD CHIEF JUSTICE. That he is an honourable man, of great conſideration in Ireland, is a matter upon which I will have no diſpute; further, I will not go, until you deliver your verdict. That Doctor TROY, as a *citizen*, is a meritorious individual, I am not inclined to deny; it is only as a *Roman Catholic Clergyman*, and in that view too, only on the *tenets of his religion*, and the *effect* that may have upon his flock, that he is taken notice of at all in the paper which has been brought before you, as matter of complaint on behalf of Doctor TROY. You would wonder, perhaps, that we ſhould requeſt the whole of that paper to be read; not only was it fit however, we ſhould make that requeſt, but it was our *duty* to do ſo, and

yours, in adminiſtration of juſtice, to hear the whole of that paper read, before I had an opportunity of addreſſing you, becauſe, it is by hearing the *whole* of the paper, you can develope the *intention* of the writer. Gentlemen, my learned friend, Mr. ERSKINE has, on this occaſion, with that blaze of eloquence, which he has no difficulty in introducing, for the benefit of his client, at any time, brought before you, ſubjects, which, although, in the way in which he treated them, they were engaging, have no more relation to the ſubject, I ſhould not ſay, no relation to the ſubject, becauſe, I do believe, and I truſt, I ſhall make you feel, that they had every thing to do with the ſubject which was *meant* to be brought before you, although in ſtrictneſs, they had no more to do with the *iſſue* you are called upon to try, than with any foreign matter which has been mentioned in this court, this day; I ſay then, that theſe topics, ſo foreign to the iſſue you are ſworn to try, have every thing to do with the *real* cauſe of bringing this matter forward; for, damages to Doctor TROY, for the injury he has ſuſtained, by the publication of which this declaration complains, and which it denominates a libel, is the *laſt* thing the real parties in this caſe, have in view, by bringing this action before you. My learned friend told you as a matter much to be deſired, as "a conſummation devoutly to be wiſhed," that the day may arrive, (and the diſpoſition of thoſe who have had the government of mankind, has always tended towards it) when we ſhall all be drawn into one mode of belief, that there is a tendency in the moral world, to that effect, when we ſhall, by degrees, being drawn cloſer and cloſer, at laſt become (he did not ſo expreſs himſelf, but what he ſaid was to that effect) as it were one flock under one ſhepherd, that we ſhall all be of one mode of faith, without pretending to ſay *what* mode of faith that may be, or what it is for the general intereſt of mankind it ſhould be; I have no difficulty in ſaying, I know what mode of faith *his client* hopes it will be, and that, by the extirpation of all other modes, it is the *Roman Catholic faith*—that is the mode of faith which he hopes we ſhall all have the benefit of enjoying; this I am warranted in ſaying, becauſe they have now, not only in *Ireland*, where they are ſo numerous, but in England, where they are comparatively ſo few, ſocieties induſtriouſly employed in the propagation of their faith, and the making of proſelytes, for which I find no fault with them, for, as they are perſuaded of the purity of their faith, their zeal for its eſtabliſhment, is laudable. They ſtand much higher than we do, on the ground of induſtry, and, I believe, they have reaſon to congratulate themſelves on the ſucceſs of their endeavours, in making proſelytes, as they are themſelves convinced it is the only true mode of faith, that it is the true religion, and that it is matter of duty in them, to omit no means for its propagation. It is natural to expect, that they ſhould improve every opportunity that offers to extend it, as widely as poſſible. I hope, however, that our *reformed* religion, as we take the liberty of calling it, by which we have renounced, what we heretically perhaps, call the "Errors of the Church of Rome." I hope, that the mode of worſhip now followed by the eſtabliſhed Church of England, will continue long enough to out-live me, and that I ſhall not be one of the number, who are to be brought under the ſuperior lights of the Catholic religion. I am content with the mode of worſhip of the Church of England, ſuch as it is, and to it, I am determined to adhere. Do not, however, let it be imagined, that I am ſo arrogant, ſo preſumptuous, ſo vain, ſo ſilly, or ſo weak a creature, as to think myſelf qualified

qualified to condemn any perſon who profeſſes the Roman Catholic religion; God forbid I ſhould be ſo preſumptuous; they have been brought up under the religion of their parents, and they follow the ſame mode of faith, and I ſhould reſpect a man more for profeſſing, with ſincerity, that which appeared to me to be erroneous, or ſuperſtitious, or idolatrous, than a perſon who profeſſed, but did not feel, that which appeared to me to be a better mode of worſhip in itſelf, but who, in truth, had no religion whatever; as to me, therefore, I deſire to be underſtood to ſay, that I have, moſt unaffectedly I ſpeak it, great reſpect for many of the members of the Catholic church, with whom I have the pleaſure to be intimately acquainted, but I am by no means deſirous of aſſuming to myſelf any ſuperior powers of diſcernment, on account of my being a member of the Church of England; it is a matter of accident, which I think matter of fortunate accident, that I am of that perſuaſion; it is the religion in which I was educated, and which was profeſſed by my parents. I am far from ſaying that I have dived ſo deeply into thoſe abſtruſe and profound ſubjects, as to be able to pronounce that all thoſe from whoſe mode of faith I diſſent, are in error, or to ſay, that ſuppoſing them to be ſo, I can point out all the matters wherein their errors conſiſt, but I will meddle with the Roman Catholic religion only, as it reſpects the ſubject now under diſcuſſion before you, and as it is referred to in the *Anti-Jacobin Review*, of which the Plaintiff, by this action, complains, and which, in the language of this record, is ſtated to be written in the malignant ſpirit and intention of deſtroying the fair fame and reputation of Doctor TROY, with a view of having it believed, that he was endeavouring to promote rebellion in Ireland, concealing the guilt of thoſe who were concerned in it, and which he knew before it happened, which is a miſpriſion of treaſon. Now the queſtion is, Was that part of the pamphlet written with that, or with a very different view?

Gentlemen, Let us ſee a little what this record ſtates, and imputes to this defendant. It complains of a paper which has been juſt read to you, ſetting forth—That a noble Lord, now at the head of the Court of Chancery in Ireland, than whom a more eminent perſon never filled a ſeat of juſtice, by the favour of his Majeſty (a favour leſs conferred on that noble perſon, than on his Majeſty's ſubjects, who have benefitted ſo much by the appointment) was placed in that elevated ſituation.—That noble perſon, with that diſcernment, and that humanity, for which he has been long diſtinguiſhed, viewing the deplorable ſtate of the Roman Catholics of Ireland, and having ſeen the inactivity of thoſe who could better conduct themſelves towards their inferiors, if ſo minded, conſidered it a fortunate opportunity he had of bringing about that reformation in the manners of the lower claſſes of the Catholic community of Ireland, wrote to the noble earl, now on the bench by my LORD CHIEF JUSTICE, ſtating his opinion on that which was not doubted to be a deplorable ſtate of the lower orders of the people there, and alſo, with a preciſion which nothing could excel, the cauſes which produced their unfortunate condition, and ſtating alſo, in the moſt perſpicuous manner, the remedy for the evil, that nothing could conduce to the removing it, as the activity of thoſe Catholics, who, from their rank, talents, and integrity, had an high fame among them, eſpecially thoſe who acted as magiſtrates; by whoſe influence, when well directed, ſo much might be done to the advantage of that community, and above all, that the noble earl, who was about to be

inveſted with an office of moſt important truſt, might be moſt inſtrumental in that great and good work. The noble and learned perſon to whom I am now alluding, conſidering theſe things, and being actuated by theſe motives, did write to the noble earl, his ſentiments upon this moſt important ſubject, and, in which, he ſpoke with the ſincerity and freedom of true friendſhip. This, Gentlemen, was a private, confidential letter, written by one perſon of high rank, and moſt eminent ſtation, to another of high rank alſo, and eminent condition in ſociety, and a perſon of great influence with the Roman Catholics. This letter, thus written, with a motive the moſt pure and benevolent, and under the moſt inviolable ſecrecy, as it was intended, meant not to be publiſhed, but to be acted upon. This letter, how, I will not venture to gueſs, but by ſome means or other, utterly unexplained, and as utterly inconſiſtent with common honour—aye, Gentlemen, utterly inconſiſtent with the rules of good faith, without which, ſociety cannot be held together, but without any blame, I am quite ſure—I ſay not how it happened, but without any blame, moſt aſſuredly, of the noble earl, but, ſome how or other, without any reference or regard to the principles of common honour among gentlemen, theſe letters of my Lord Chancellor of Ireland, were all of a ſudden publiſhed, together with the commentaries of Doctor Coppinger, of Cloyne, with various remarks. Theſe letters became, afterwards, the ſubject of converſation in a great and illuſtrious aſſembly. To what paſſed in that aſſembly, I will not allude, becauſe, it is not regular I ſhould before you, but I feel there is reaſon to lament, that theſe letters were thus brought before the public, and, it is the opinion of the author of the article, on which you are, this day to paſs your judgment, that thoſe who obtained them, if they fairly obtained them for a laudable purpoſe, it is much to be regretted, that they ſhould have made of them, the uſe they did. They were ſent to the chief perſon in the Catholic community of Ireland, in order that he might, from his high ſtation, extend his influence among thoſe, whoſe welfare was the object of the author; they were ſent with that view to a magiſtrate, and a miniſter, entitled to great attention for his character and qualities, in every reſpect, and they might have been communicated to another, without any breach of confidence, for they might have been given to another for the purpoſe of having their object accompliſhed; but when I recollect that the noble earl, to whom they were, in confidence, entruſted, is ſo illuſtrious a member of the communion, to which they relate, I am well aſſured, it never could have been the intention of the noble earl, that the private confidential communication of the Lord Chancellor of Ireland, ſhould be made the vehicle of communication to the public, from the medium of the preſs, ſtill leſs could it be the intention of that noble earl, to make ſuch a communication to the public, with the commentaries of others, for that was a conduct I can never impute to the noble earl, for I cannot impute to him ſuch a flagrant breach of confidence, of common honour, and of decorum—for theſe were ſentiments and opinions not intended to have been publiſhed; and, I do not heſitate to ſtate, that ſuch a publication muſt have been done by ſtealth, and, in a manner to which the noble earl was not privy. It was a communication intended to have a favourable effect upon the objects of it—intended to make a favourable impreſſion on the minds of the people of Ireland, but the uſe that was made of that communication, was to fill the heads of the people of Ireland, with hatred, and their minds with animoſity towards the noble

lord

lord who made it. The letters were written by a noble perſon, who was placed in a confidential ſituation, and, in which he was placed, by the authority of his Majeſty, to another noble perſon, who was in a ſituation to do a great deal of good, if the ſyſtem was adopted, ſtating, confidentially, the opinion of that noble Lord, on the Catholics of Ireland, but which being publiſhed, together with comments of a certain nature, created great animoſity againſt that noble lord, the Lord Chancellor of Ireland. In this ſituation of things, this defendant ſet about to do, what we have a habit of thinking in England, every man has a right to do, namely, to comment on what had been publiſhed upon that occaſion. Doctor Coppinger brought Lord Redesdale and Lord Fingal before the public, and the defendant commented upon the propriety of that proceeding, and, in ſo doing, he has conducted himſelf with as much moderation and propriety, in a manner as likely to contribute to the advancement of moral rectitude, of truth, and of religion, as any of our modern authors have done, as the defendant is in the habit of doing by this his publication—I ſpeak of the *Anti-Jacobin Review*, a publication, which, I will venture to affirm, has done as much good to the cauſe of virtue, eſpecially on the great queſtion of the claims of the Catholics of Ireland, as any periodical publication that iſſues from the preſs, either in this country or that. He has ventured to compare, with each other, the opinions of the two noble Lords, whoſe letters were brought before the public, not by any officiouſneſs of the defendant, for he found them publiſhed; a right which, nobody will diſpute, he was entitled to exerciſe; and the only queſtion will be, Whether he has, or has not exerciſed that right with decorum? Gentlemen, It was for this purpoſe, that I deſired the whole of the publication complained of to be read; and now, that you have heard the whole of it, I aſk you, whether at the concluſion of the energetic and eloquent ſpeech of my learned friend, Mr. Erskine, you did not believe the publication, which he ſo vehemently cenſured, was not a violent libel, penned for the expreſs purpoſe of attacking the character of Doctor Troy? that the defendant had made that publication the vehicle for the abuſe, and moſt wicked and atrocious abuſe of Doctor Troy? I aſk you, did you not think ſo, when my friend had concluded his addreſs to you? Now, Gentlemen, you have heard the whole read, I would venture to appeal to your candour on this queſtion, Is it any ſuch thing? Suppoſing the general tenour of the language of this publication to be libellous, there are other characters taken notice of in it, who have full as much as, if not more reaſon to complain, than Doctor Troy. I think, my Lord Fingal, would have full as much right to an action for a libel upon this publication, as Doctor Troy; I think he is as ſeverely traduced in it, ſuppoſing either of them to be traduced in it, as Doctor Troy. I think, a learned gentleman at the bar, whom we all know, Mr. Plowden, has more reaſon ſtill, for complaint, than either of the former two; for his four volumes of the Hiſtory of the Catholics, are much more roughly handled, than the characters of either the noble Earl or the Reverend Gentleman; and, we know that authors generally tender the reputation of their books, as much as they do that of their character. I am of opinion, that Doctor Coppinger would have a great deal more reaſon to complain, than Doctor Troy, but, of fourteen pages cloſely printed, of this pamphlet, and of the whole of which we have heard loud complaints, from my learned friend, Mr.

Erskine,

ERSKINE, the whole is at laſt reduced to *four* lines, In one page, namely, 325, on which my learned friend laid great emphaſis, as being an atrocious libel on Doctor TROY, but in which, his name only incidentally occurs, and in which it is, as it were, caſually introduced; but, as to the reſt, there is no evidence whatever, to ſupport the plaintiff's caſe. In one part, the defendant is charged with having made uſe of ſome argument with reſpect to the loyalty and fidelity of Doctor TROY, his ſincerity reſpecting the advice he gave to the Catholics of Ireland. In conſequence of ſomething that was done by Doctor TROY, and, on the nature of the addreſs of Doctor TROY, the defendant proceeds to make obſervations upon that ſubject. But, it is moſt extraordinary, and cannot have failed to have ſtruck your minds, as ſomething very extraordinary, that Doctor TROY's appeal to juſtice ſhould be made here, for Doctor TROY, who is ſtated, and I dare ſay, truly, to have been, a great part of his life, a reſident in Ireland. I think he might have ſtated if the ſpecial pleader would have done ſo, that he was all his life-time in Ireland, and, that Dublin was the chief place of his reſidence, ſo that the trial, which we are now diſcuſſing in the county of Middleſex, might have been better had in Dublin, and we are here now before a jury of the county of Middleſex, inquiring how much ſhall be given, by way of compenſation for a libel; publiſhed here indeed, but publiſhed alſo in Ireland, for of that, gentlemen, there can be no doubt, how much, I ſay, ſhould be given to the Titulary Archbiſhop of Dublin, for an attack on his character. It is true indeed, that if he wanted the ſplended talents of my learned friend Mr. ERSKINE, to grace his caſe, he was under the neceſſity of laying the *venue* here, for my learned friend does not practice in Dublin, but if the object of Doctor TROY, was to have a ſplendid ſpeech pronounced in honour of his character; there was no occaſion to come to this ſide the water for that purpoſe, for there is, on that ſide of it, a gentleman equal to any on this, for that purpoſe, and this my learned friend Mr. ERSKINE, will not feel to be any diſparagement to him, and indeed without diſparagement to any body on either ſide the water, I may venture to ſay that if a brilliant oration, if powerful and affecting declamation, was the thing wanted, if to pronounce an elegant eulogium on the character of the plaintiff, or encomium on the leaders of the Catholics of Ireland, had been the object, in a word, if to have the aid of as eloquent a ſpeech as can be delivered by man, had been the object of Doctor TROY, there was no occaſion to come from Ireland to this country for that purpoſe, becauſe I know of no man of the preſent day, who can juſtly claim pre-eminence in that reſpect over Mr. CURRAN, and he is a learned gentleman who has practice in Ireland. We have heard of ſpeeches from that learned and moſt eloquent gentleman, illuſtrative of what I am now ſpeaking to, and here it occurs to me to aſk the plaintiff. What reaſon there is for your coming here, for the purpoſe of trying this cauſe, before a Middleſex jury, where you can only be known diſtantly, by reputation, inſtead of being tried by a jury of the city of Dublin, who are more intimately acquainted with your character, and who muſt, of courſe, have a more lively ſenſe of your public and private virtues? Why do you take the trouble of travelling ſo far for the purpoſe of being tried by ſtrangers?—This I am the more induced to obſerve, when I reflect, there is now on the records of this court, a plea (that of Mr. Juſtice JOHNSON) on which the noble and learned Chief Juſtice of it,

before

before whom I have now the honour of addreſſing you, delivered the judgment of this court, a plea to its juriſdiction. That plea was upon the ſame ſpecies of queſtion as the preſent; it was a plea to a libel, ſtated to have been publiſhed in the county of Middleſex, and the defendant, being a reſident, as the preſent plaintiff is, in Ireland, pleaded to the juriſdiction of this court. Stating that before the union of the two kingdoms; Ireland had courts of its own, ſufficient for the due adminiſtration of its juſtice, and that ſuch courts poſſeſſed the ſame power after the union, as they did before it; for that part of the United Kingdom called Ireland, ſtill retained its laws, and had judges of its own, ſitting as they were wont, in their own courts, and that, therefore, the libel being imputed as a publication by a native of Ireland, ought to have been tried there, and very ſtrenuous arguments were urged in favour of that plea, by my learned friend Mr. RICHARDSON, on the inconvenience to the defendant from having the cauſe tried at ſuch a diſtance from his native land; upon the whole of this caſe this court delivered its judgment, that the court had juriſdiction over the caſe, becauſe the publication of the writing charged to be a libel, was in the county of Middleſex, and was, therefore, not a ſubject of *indictment* in Ireland; but that is not the caſe of the publication complained of before you—becauſe the *Anti-jacobin Review* was as much publiſhed in Ireland as in England, as much publiſhed in Dublin as in London; and becauſe this is a civil action, and not local; and yet here we are in the county of Middleſex, trying an action for defamation, a ſubject peculiarly propoſed to be judged of by thoſe who know the character and circumſtances of the accuſing party, brought by the titulary archbiſhop of Dublin, an entire ſtranger to us all, as far as regards the evidence in this caſe, and we can proceed on nothing elſe; under ſuch circumſtances, you would think it matter of aſtoniſhment that the reverend gentleman ſhould prefer a trial in this place; and ſo it would be if *damages* were the true object of this action, but we ſhall, by and bye develope this ſeeming myſtery and reveal it—for I do not ſuppoſe there is any deſire in any party concerned in this action to puniſh Mr. SYMONDS, the Bookſeller, of Paternoſter-row, more than Mr. WOGAN, the Bookſeller in Dublin; and it would, without looking further than this cauſe, be matter of ſurprize to any one, that the archbiſhop of Dublin, ſhould look out for a Bookſeller of Paternoſter-row, to be accountable for attacking his character, when ſo many of his own countrymen had publiſhed the book of which he complains, and the matter becomes ſtill the more inaccountable when we obſerve how much embarraſſed my learned friend Mr ERSKINE has been, in his proof, becauſe, as he told you himſelf, my Lord REDESDALE could not attend as a witneſs, which we all know he could not, without neglecting the important duties of his ſtation; or without his Majeſty's permiſſion, firſt obtained for that purpoſe, he cannot leave Ireland, and on which account, the plaintiff withdrew his record on a former occaſion; all theſe are reaſons why this action ſhould have been tried before the Chief Juſtice of the King's Bench in *Ireland*, rather than before the Chief Juſtice of the King's Bench in *England*, and as to the important evidence which has been given this day by the noble Earl, he might have given it at his own home inſtead of coming here ſo great a diſtance; but indeed, to ſay the truth, it was hardly neceſſary to have examined the noble Earl at all on this occaſion, becauſe all the proof he has given, I ſhould readily have admitted if applied to for that purpoſe; for it conſiſts in nothing more than that Doctor TROY

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the plaintiff in this cauſe profeſſes the Roman Catholic Religion, and exerciſes the functions of a prieſt in that mode of worſhip. That is the whole of the proof of the noble Earl. We had indeed our attention greatly attracted in an early part of the day by the appearance upon the bench, by the ſide of my Lord Chief JUSTICE, of a number of noblemen, my Lord CASTLEREAGH, my Lord WESTMORELAND, my Lord SIDMOUTH, my Lord CAMDEN. Theſe illuſtrious characters were all introduced, and they had the pleaſure of bowing reſpectfully to my Lord Chief Juſtice, and after ſitting for a while, and then Mr. Erſkine is aſked, pray do you wiſh to examine my Lord Camden, if not, his Lordſhip would be glad to be releaſed, his preſence being eſſential elſewhere?—"Oh! no, I do not wiſh to detain my Lord CAMDEN," ſays my learned Friend. Then in a few minutes the ſame requeſt is made on the part of my Lord SIDMOUTH—whoſe preſence may be wanted at the Council—to which my learned friend Mr. ERSKINE, after ſeeming to conſider whether he can poſſibly conſent to wave the examination of that noble Lord as a witneſs or not; ſays, as it were on the ſudden,—"Oh! no; I do not think I ſhall have any queſtion to aſk of my Lord SIDMOUTH—my Lord CASLETREAGH wiſhes, to know whether he may retire, having much public buſineſs of ſtate to attend to?—"No, I ſhall have no queſtion to aſk my Lord CASTLEREAH," ſays my learned friend—the Earl of WESTMORELAND requeſts to know, if it be neceſſary he ſhould remain in court? "I will not detain my Lord Weſtmoreland—ſays my learned friend again—in ſhort, gentlemen, theſe noble lords bowed *out* of court, with the ſame elegance and grace, as they bowed *into* it, being brought here for the mere purpoſe of bowing into, and out of court; they were brought here for the mere purpoſe of ornament, and not for uſe, there was, however, a deſign in all this, although it has turned out to be uſeleſs—the object was to make a *ſhew* by the preſence of theſe illuſtrious perſons, and to make a ſeeming, that but for ſome unforeſeen accident, they might have been examined, and that it was impoſſible that ſuch characters could have any thing but important teſtimony to give; O dear! this is all art! for laſt night, you may depend upon it, all my learned friends held a conſultation, and knew as much then as they do now, that the rules of law would not permit them to examine my Lord FINGAL, touching written correſpondence, and my learned friends Mr. TALBOT, Mr. WOOD, and Mr. ERSKINE, knew very well, that not a queſtion was to be put to either of theſe noble Lords; but meſſengers were nevertheleſs diſpatched to each of their manſions, informing them of the exigency of their ſummons; "pray my Lord, remember that your Lordſhip ſhould be in the Court of *King's Bench* to-morrow morning at nine o'clock, or you may be too late; my Lord ELLENBOROUGH ſits preciſely at nine, I hope your Lordſhip will not fail:" and ſo theſe noble perſons are brought to make a bow each, at the ingreſs and at the egreſs; but this was not to fail making a figure in the *ſpeech* of my learned friend, although it made none in the proof. As to the examination of the noble Earl to the written correſpondence, my learned friends knew very well, that my Lord ELLENBOROUGH could never ſuffer them to put any queſtions upon that ſubject, without producing the writing; and now, having diſcuſſed all this, which is the mere *phantaſmagoria* of the caſe, the mere ſhadow of the ſhade of the queſtion—but my learned friend, knowing he could make nothing of what he had; wiſhed to make ſomething of what he had not. He knew that Lord CHICHESTER would not be preſent, and then it became important to lament

ment his abſence. If my Lord CHICHESTER were preſent, he would give the moſt important evidence of all in behalf of Doctor TROY, *he* could produce letters of the various Miniſters of State by which the merit of Doctor TROY would appear, and by which the malignity of the libel would appear alſo—Oh! that my Lord CHICHESTER did but attend! he knew, very well, the noble Lord did not, nor do I believe he would have examined him if he were preſent; but my learned friend, ſeeing my moſt eſteemed and right honourable friend Mr. WICKHAM, upon the bench, made a ſeeming appeal to *him* on the ſubject of the rebellion in Ireland, and of what was uttered by one of the leaders of that deſperate enterprize, and particularly Mr. Emmet, but he did not dare to aſk Mr. WICKHAM a ſingle queſtion on the ſubject of the rebellion in Ireland, neither did he dare to aſk any one of the noble Lord's who appeared upon the bench, a ſingle queſtion as to the effect of the declaration of Doctor TROY, which made ſo prominent a figure in the ſpeech of my learned friend. He knew very well what he was about, he dared not open their mouths upon the ſubject of the rebellion, becauſe the moment he did ſo, they would become ſubject to my croſs examination, not that I ſhould have examined whether Doctor TROY was a traitor, not that I ſhould have examined whether he, like ſome others of the Catholics had been found in arms againſt his Majeſty's government, after preaching in its favour, but I ſhould have aſked ſome of them, and particularly my right honourable friend Mr. WICKHAM, ſome queſtions which I know would have brought forth ſomething extremely material, with reference to what Mr. EMMETT ſtated; and I know alſo, of many papers which Mr. Emmett wrote, and I ſhould have taken the liberty of deſiring my right honourable and excellent friend on the bench, to whom I have alluded (Mr. WICKHAM) to ſtate much of what he knows of the late rebellion, during the period he had ſo conſiderable a ſhare in the adminiſtration in Ireland, and to have asked him whether to his knowledge ſeveral things in this ſuppoſed libel were not well founded as to the obſervations which the author makes, not on Dr. TROY perſonally, let that be underſtood to ſay, but on the Roman Catholics in Ireland, and the influence they were under—do not let me be miſunderſtood, I do not ſay that at the moment when this exhortation was delivered, the preaching of the doctrine of the prieſts had the effect of producing the rebellion, or that the doctrine held forth by the noble Earl had any ſuch effect; my Lord CHANCELLOR of IRELAND did not think ſo; but when he was about to confer on that noble Earl, the honour of a Commiſſion from the authority of his Majeſty as a magiſtrate, he took the opportunity of intimating his ſentiments to the noble Earl on the ſubject of the Catholics, knowing that he was correſponding with a nobleman of an exalted mind, virtuous life and finiſhed education, whoſe tenets of religion did not, nor could he conſider as likely to have that woeful effect on ſociety, which thoſe of the lower claſſes had, and the object of that noble Lord was to remove thoſe prejudices, as far as they were, and which he knew them to be, baneful in their effect on ſociety, and I do ſay that until the Catholic religion ſhall be entirely and radically altered with regard to ſome of its prejudices, and be no longer, in that reſpect, what it is, and until its oaths ſhall be no longer binding on the conſciences of men, for the overthrow of other ſyſtems, it is impoſſible to expect but that the effects will be what we too often ſee them, with this diſpoſition in the majority of the Catholics, it is impoſſible to prevent, or to be ſecure from evil, except from the ſtrong hand of power, and which power muſt always

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take care to preſerve the public peace and to prevent thoſe fatal ſcenes of blood, which we have beheld too often; and of which, I hope, none of us will live to ſee the recurrence; it is not by the extention of theſe principles of the Catholic faith that the power of Ireland can be ſaved. Gentlemen, it is with a view to this argument that this author introduces his reaſoning, and that he talks of Doctor TROY and Doctor Coppinger and other eminent perſons in that profeſſion. Now be pleaſed to be obſerve what he ſays, that the Roman Catholic faith makes it a duty incumbent upon all its votaries to believe in infallibility of council, both in religion and morals, that they are infallible, for that they cannot err. Gentlemen, will you be pleaſed to attend to this—there is a conſiderable diſadvantage in trying a cauſe of this kind before ſuch a tribunal as this, and I mention it without intending, as I am ſure you will readily ſuppoſe, to offer the leaſt diſreſpect to you, becauſe we are all of us educated under Proteſtant tuition, and are, therefore, ignorant of many of the points which a Catholic ſyſtem of religion enjoins, I at leaſt am ready to confeſs that I am not ſo deeply verſed in all the doctrine of the Catholic faith, as many are who have had a better oportunity of ſtudying them--not having had much time, if I had the inclination to mix in polemical diſcuſſions on religious topics, my parents, and thoſe who ſuperintended my education, being Proteſtants, and ſatisfied with that which general education gives upon matters of this nature, and ſince I have had the means of judging for myſelf, my life has been rather in a buſy ſcene in this place and others, where the duties of this profeſſion led me. You alſo, Gentlemen, are Proteſtants, and probably, may not have devoted much of your ſtudy to the myſteries of the Roman church; there is therefore, as I am ſure it muſt be obvious to you, a conſiderable diſadvantage in trying this cauſe before ſuch a tribunal, becauſe a Proteſtant jury, however well informed, muſt have been educated from youth upwards, either under the Rites of the Church of England, or of the Proteſtant Diſſenting Miniſtry, and, for that very reaſon, you cannot be expected to be aware of all the difference between your mode of faith, and that of the Roman Catholic. Now, Gentlemen, however ill I may execute the taſk, imperfectly, I know I ſhall, yet it is my buſineſs to ſtate to you, ſome of the differences between our mode of faith, and that of the Roman Catholic. This, I hope I ſhall do, with ſome effect, for the purpoſes of this cauſe, although, certainly, not for the purpoſe, nor, I hope, with the effect of giving uneaſineſs to one virtuous or worthy Catholic, for, I here moſt ſolemnly proteſt againſt any ſuch intention, and declare, it is furtheſt from my purpoſe; but, my duty to my client demands that I ſhall lay before you ſome of the points of the Catholic faith, without a knowledge of which, it is abſolutely impoſſible to do juſtice to this cauſe, becauſe impoſſible to judge of the reaſoning in the publication now before you. The firſt thing to be taken notice of in the Catholic faith, is CONFESSION, which is a fundamental article in the Roman Catholic religion;—ſo fundamental, that to abſtain from, or even to omit it, is a mortal ſin, incurring deep damnation, and, ſo rigid are they in this, that, according to one of their catechiſms publiſhed among themſelves, we are made to begin confeſſion, before we have any thing to confeſs, for, why ſhould we begin to confeſs, before the mind is capable of abuſing its volition?—I was aſtoniſhed when I heard it, and I am not aſhamed to confeſs my ignorance, nor to admit, that if the indulgence of my Lord had not been extended to the parties who were not prepared,

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when this cauſe ſtood formerly for trial, by allowing it to ſtand over, my client would have loſt the benefit of what I am now about to ſtate to you. The cauſe, however, ſtood over, at the requeſt of the plaintiff, who was not ready, on account of the abſence of my Lord FINGAL; the plaintiff, therefore, was allowed to withdraw his record, which is an indulgence after the cauſe is called on. I am, however, by that event, better prepared for this defence, than I was at that moment; for, lately, at my reſidence, by the ſea-ſide, I read ſome books which I took with me, and, of which, as a member of the Church of England, I own, I was ignorant—they certainly were new to me—I am ſo far glad of the circumſtance.

Gentlemen—When do you think Roman Catholics begin to confeſs? I mean at what age does confeſſion become a duty, and abſtinence from which a deadly ſin? Would you ſuppoſe that they began to confeſs earlier than they began to ſin? That is, when we ſuffer our will to be abuſed by doing acts which the will condemns. Would you ſuppoſe, that at an age when the mind is hardly capable of forming an opinion, or be lead to any thing like a diſtinction between good and evil, the ſeaſon of confeſſion by the Roman Catholic faith commences? and yet the fact is ſo, for confeſſion is enjoined to commence at the age of SEVEN years! Nor is this all, it might be ſaid to be a ceremony without a meaning, until the mind is capable of diſcerning its uſe; but the Catholic Religion enjoins it as a duty to come to confeſſion, and declares the omiſſion of it to be a mortal ſin: That is, the Catholic Religion pronounces it to be a mortal ſin not to confeſs ſins, before we are capable of ſinning. Do I ſay too much when I ſay this? What is the age at which confeſſion begins? The age of ſeven years. An age at which that judgment which God gave us to guide and direct us, under the aid of Revelation, through this tranſitory life, does not begin to operate, and yet this is the age at which one human creature is to begin to confeſs his ſins to another, for the purpoſes of obtaining abſolution. Such is the doctrine of which this defendant propoſes to queſtion the Divinity or wiſdom. Now that I may not be taken to be ſlandering the Catholic Religion, or to miſrepreſent its tenets; the Catholic Catechiſm ſhall explain the caſe: "What ſort of a confeſſion is this to be? Why, it is to be a *pure* confeſſion, an *entire* confeſſion. You muſt humble yourſelf by a confeſſion of all the ſins you have committed, ſince the laſt confeſſion." All this muſt be done at the age of ſeven years; for what purpoſe? In order that the prieſt may give you abſolution! What is the conſequence if you do not thus confeſs? That you will incur damnation! Why? Becauſe you have endeavoured to deceive Omniſcience, and for which you are told you ſhall be doomed to eternal damnation! And all this horror aſſails your mind, if it were poſſible that horror could aſſail the mind at the early age of ſeven years—For what offence? For not making confeſſion of your ſins to the holy prieſt, annointed by his holineſs the Pope, the vice-gerent of Chriſt upon earth, which is a mortal ſin, and ſubject to eternal damnation! What are you to do beſides? To amend your life by hearty ſorrow for your ſins; but you are not to imagine that when you have done this your impurity is taken off; but if you do go to this confeſſion, without the mind being pure, and you confeſs all your ſins before God and your confeſſor, you had better ſtay away, for this impurity alſo is damnation! But are you to confeſs once only for your ſins, and then to obtain your abſolution? No! you muſt confeſs often, as man is frail and liable to ſin often; and this you muſt do, becauſe confeſſion brings a man before God; leads him

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to a good train of thinking, and the mind brings itſelf back again to the ſins of the world: That therefore nothing leads a man to the diſcharge of his duty better than frequent confeſſion; beſides, after this you are to receive the Holy Sacrament, a ceremony infinitely more auguſt, if I may uſe ſuch an expreſſion, than confeſſion can be, but this alſo in a manner very different from that which is obſerved by us under the reformed religion. All theſe ceremonies, you are to obſerve, and to obſerve often, which you commence at this early age, and which you are to obſerve often, nor are you allowed ever to diſcontinue it; and what is the penalty if you omit any of theſe duties, as they are here laid down and enjoined? Eternal damnation! You are therefore bound under this dreadful denunciation to begin confeſſing at the early age of ſeven years: you are to continue to confeſs, and you are to confeſs often. The prieſt hears the confeſſion—What is the reſult of this early, this continual, and this repeated confeſſion? Why, that the prieſt knows what ſins you have ever committed, and what you intend to commit, for confeſſion is not confined to acts which have been committed, but ſuch as you intend to commit, for you are to confeſs *all* your ſins, which conſiſt as much in *intention* as in *acts*; and under this ſanction you are not only bound to make confeſſion under the dreadful anathema of eternal perdition, but you are alſo invited to make it under the hope of abſolution; thus it is, that Roman Catholic prieſts become acquainted with all the deeds of thoſe who believe in the purity of that faith, and of all their intentions, of every thing by which their minds are occupied. What then? Why then ariſes a dreadful rebellion in Ireland, on the ſudden, as it appeared to us, but on the ſudden it could not be, for it was the reſult of long preparation. I do not mean to ſay that the late rebellion in Ireland was purely and ſolely the work of Roman Catholics, there were many among the rebels who were not Catholics; but no one will accuſe me with harſhneſs, or want of charity, when I ſay there certainly were a vaſt number of Catholics concerned in that rebellion, that is a propoſition which the noble Earl himſelf will admit; neither will it be ſaid that no prieſt of the Roman Catholic Church was found in arms in that rebellion. I believe, after having exhorted his flock, in public, to obedience to the law, ſaying that all power is of God; and that thoſe who reſiſt power, reſiſt the will of God: thoſe who doubt this, if any ſuch there be, may be converted, upon peruſing ſome accounts of trials upon Courts-Martial.

Gentlemen, I was lately conſidering how I might, the moſt readily, find hiſtorical information reſpecting the conduct of the Roman Catholic Clergy, as it referred to the affairs of this life, I contemplated this ſubject as I travelled in a carriage, when I happened to have by me, and at my hand, Mr. PLOWDEN's book. I knew Mr. PLOWDEN, as I dare ſay you do, to be a man of method; it occurred to me I was likely to find ſomething uſeful to my purpoſe under the title "*Prieſt.*" I looked at the Index, turned to the page under the title of PRIEST, which is in page 716, I found, at once, a definition of that character as applicable to the Roman Catholic Clergy, as eaſily to underſtand as any common-place topic in a book of practice in our profeſſion; ſuch as an action on the caſe for goods ſold and delivered; plea non aſſumpſit. "Thus, "Prieſts." "Some of the Roman Catholic Prieſts always muſt be found in a rebellion." And if you want to know his argument for it you have it thus;—"The almoſt total dependance of the Romiſh clergy of Ireland upon their people for the means of ſubſiſtence is the cauſe, according to my beſt judgment, why upon every

every popular commotion many prieſts of that communion have been, and until meaſures of better policy are adopted, always will be found in the ranks of ſedition and oppoſition to the eſtabliſhed government. The peaſant will love a revolution, becauſe he feels the weight of poverty, and has not often the ſenſe to perceive that a change of maſters may render it heavier; the prieſt muſt follow the impulſe of the popular wave, or be left on the beach to periſh." Therefore he makes out the place in which a Roman Catholic prieſt is to be found in time of rebellion. So in the late inſurrection in Ireland, we found them there; we are then ſure to find in a rebellion, among the Roman Catholics, a ſprinkling of prieſts. I conſulted another part of the ſame book, where I found "There is no one man found out among the Catholics in arms who was not a deſperate reprobate all his life." Why then we have got the length of this—That there *may* be a rebellion in Ireland in which the Roman Catholics are a part, to which may be added, "aided and abetted by their prieſts." That an inſurrection *may* break out in Dublin, compoſed principally of perſons of the Roman Catholic perſuaſion: That the moſt vigilant government is not always able to foreſee, nor the moſt vigorous, on the inſtant to repel, ſuch inſurrections or rebellions. Now what are the arguments of the author of the pamphlet now before you? He ſays that Lord FINGAL uſes the fact of the exhortation by Dr. TROY as a proof of the loyalty of the Catholics of Ireland. If Lord FINGAL had taken this cauſe of argument, "That the exhortation, if it had been delivered *before* the inſurrection, would have had the effect of preventing it, or had ſaid, that the exhortation, itſelf, was a proof that Doctor TROY wiſhed it to be prevented." If his Lordſhip had given inſtances in which the Doctor had exhorted his flock to abſtain from rebellion, to keep clear of thoſe violences which produce it, *before* it happened, the author of the article now before you, would have paſt over the paſſage in his Lordſhip's correſpondence, for then we ſhould not have heard of the inhuman murder of the revered Lord CHIEF JUSTICE of Ireland. If the reverend Doctor TROY had endeavoured to reduce theſe turbulent and deſperate inſurgents to obedience to the laws, and ſubordination to the government of their country, this author would have been without excuſe for what he ſaid; but when my Lord FINGAL made uſe of this exhortation, *after the fact*, as a proof of the loyalty of the Roman Catholics; this defendant ventured to diſpute the concluſiveneſs of that reaſoning, and ſo, moſt humbly, without intention to offend the noble Earl, do I.—On the 23d of July 1803, the inſurrection broke out in Dublin, and that venerable Magiſtrate, as he was returning from his country ſeat, was met by a gang of aſſaſſins, dragged out of his carriage with his daughter, or ſome near relation, and his nephew Mr. Wolfe, this venerable judge, I ſay, is thus inhumanly dragged away from his relations, and in cold blood he is piked in the open ſtreet in Dublin, and the Archbiſhop of Dublin puts to the preſs an exhortation to the Catholics, and eighty copies are taken off and delivered to his inferior clergy, to be by them read to their flock, diſſwading them from rebellion, from warfare and from bloodſhed, as we have heard it read. If you tell me that Doctor TROY is a loyal and an eloquent man; that he ſpeaks, and that he writes well; be it ſo—that he wrote well on the ſubject of inſurrection; be it ſo—that his views and objects were to quell the rebellion, or the inſurrection; be it ſo—but if you tell me that the whole body of the Catholics were virtuouſly inclined, and that none of them wiſhed, at any time, any thing hoſtile to the intereſts of Great Britain, and never wiſhed to bring in foreign aid to

any ſcheme of rebellion, becauſe Doctor TROY prepared this exhortation; that I deny, I ſay that ſuch a concluſion does not follow from your premiſes. I ſay that the exhortation came too late for the beſt of purpoſes, and I cannot help lamenting it did not come ſooner – I ſay that one gentle hint from Doctor TROY—a gentle hint to government *before* the fact, would have been better than all the exhortations that could iſſue after it. The evil was paſt and irreparable, before the exhortation came. No human power could then call that venerable man back from his grave, or do away the memory of thoſe horrid ſcenes which ſtained with blood the ſtreets of Dublin. What is the argument of this defendant, upon this occaſion? It may be illuſtrated by an example:—Suppoſe my learned friend and myſelf, being on a footing of friendſhip and intimacy, and that others had frequently obſerved it, and had taken notice that no two brothers were ever more partial to the company of each other: that the friendſhip was ſuch, as that neither proſperity or misfortune could affect it; and let us ſuppoſe that my learned friend had been in the conſtant habit of imparting to me, and I to him, every thing that required the greateſt confidence; and let us ſuppoſe that my learned friend had gone out one morning and was killed in a duel—Would not any body who knew us both, naturally ſay, on hearing of ſuch an alarming event, "Mr. GARROW ſhould have prevented this, he muſt have known of it—I knew that he and Mr. ERSKINE were, and had been for many years in habits of ſuch intimacy and confidential intercourſe, that I am convinced the thing could not have happened without a previous intimation given of it. Mr. GARROW, one of theſe two perſons, could not poſſibly be engaged in any thing remarkable or extraordinary, without the previous knowledge of the other."—Would you not add to your lamentation for the death of my learned friend, by ſaying, you "were ſurpriſed that ſuch an accident had befallen him?" Would you not ſay, "I thought Mr. ERSKINE, although I knew he abounded in courage, had yet a mind too well regulated to fall a victim to a fooliſh rage; and that whatever ſilly notions, very ſilly perſons might entertain upon that ſubject, he would rather have applied to my Lord Chief Juſtice for his authority to preſerve the peace," for there was no act, however terrible, in which one of them did not inform the other, and would you not add, that "Mr. GARROW would have done every thing in his power to have prevented the miſchief: that Mr. GARROW had ſo many years ſhared in the proſperity and happineſs of his learned friend, and had made a bad uſe of his powers of perſuaſion, in not adviſing him to deſiſt from that fatal duel." Now what does the author of this pamphlet do on this occaſion? Does he ſay that Doctor TROY knew there had been popiſh conſpiracies in Dublin prior to the 23d of July? He ſays no ſuch thing. He ſays that Doctor TROY knew that which the members of the government knew, and however ſlender the force they had, they did take all the care and precaution, which as good ſubjects they ought to have done, although the inſurrection did afterwards break out. Does the author of this article ſay that Doctor TROY knew that the rebels were coming from *Wexford*, and from *Carlow* to *Dublin*; and that the firing of a rocket was the ſignal agreed to be given before, or of the exploſion of a field-piece for the commencement of this horrid ſcene? Does the author of this pamphlet ſay that Doctor TROY knew that theſe leaders of the inſurrections were acquainted with Emmet, and thoſe to whom my learned friend alluded. No, he does not; but he ſays, that from the confeſſions which the Catholics make, he puts it argumentatively, that he *muſt* have known it,

which

which is not *alledging a fact*, but *deducing a conclusion* from preceding facts. He argues from the obedience which the Catholics engage to pay moſt implicitly to the Biſhops acting under the authority of the See of Rome—and alſo from the manner in which the Biſhop himſelf takes an oath to be obedient to the See of Rome, and to puniſh Heretics, and ſo on; and he argues, that this is the beſt ſyſtem that ever was inſtituted ſince the world began, for the purpoſe of concealing all evil intentions towards a government that is not *Catholic*; that it is the moſt dangerous to any government, that is not itſelf Catholic, that the wit of man ever yet contrived; or to defeat ſeditious practices or treaſonable intentions where the government itſelf is Catholic. This religion enjoins confeſſion at an early age—under it, confeſſions are made at an early age, and they are continued, and repeatedly made. Did the Catholics of Ireland make confeſſion to their prieſts, as all other Catholics have been in the conſtant and uniform habit of making confeſſion to their prieſts? Has this defendant done more than make deductions from the probability of ſuch events? Does this religion enjoin confeſſion?—Yes. Did the Roman Catholics of Ireland make ſuch confeſſions?—It is not denied. What could they confeſs, but what they were guilty of? Did they confeſs, that for weeks and for months together, they were engaged in preparing arms for the expreſs purpoſe of uſing them in rebellion againſt their Sovereign, and the Government under which they lived? Had they not a depot for ſuch arms, contrived with a degree of ſecrecy, which compleatly eluded the ſearch of all the officers of juſtice, employed for the purpoſe of endeavouring to diſcover them. Did they not frequently go through all the gravity of a funeral, and pretend to bury the dead, and read the funeral ſervice, with all poſſible ſolemnity, on the burial of the dead, while they depoſited in the grave, coffins filled with pikes, ready to be taken up again as occaſion ſhould offer? Were there not generals appointed ready to take the field, on the landing of a foreign foe? Did Government know any thing of theſe matters?—No, it did not. Who poſſeſſed this knowledge?—Thoſe who were engaged in the plot. Who were they?—A great number of them, at leaſt, were Roman Catholics. To whom did they confeſs?—To their prieſts. Did you, Doctor TROY, give to Government, any thing like a hint of any part of theſe horrid preparations, and which broke out afterwards in correſponding acts?—No, you did not. What ſays the author of this pamphlet?—This—As the Roman Catholic religion enjoins confeſſion of men, women, and children, from the age of ſeven years upwards;—an inſurrection threatens the city of Dublin, with immediate deſtruction, by ſeizing and deſtroying his Majeſty's Government, root and branch;—as this had been gathering for a conſiderable time before;—as you Roman Catholics have been in the conſtant uniform practice of confeſſing all your ſins?—What then?—Why the author of this pamphlet does not ſay to the prieſts—You did know that all this was intended to have been done, for that would be taking upon him, to aver a fact, beyond his power to prove; but he ſtates, that which appears to him to be a reaſonable *deduction*; he ſays, you *muſt* have known it. He, therefore, does not ſay Doctor TROY had knowledge of all theſe matters before they happened, by knowing the intention of the parties engaged to commit them, and who afterwards did commit them; but he ſays, that from all theſe circumſtances, Doctor TROY muſt have knowledge of theſe things. I may, perhaps, be told, that whatever Doctor TROY knew upon this ſubject, yet he could not communicate any part of

that knowledge to government, for that the ſame doctrine, which enjoins the ſinner to confeſs his ſins, enjoins alſo, that the prieſt, to whom the confeſſion is made, ſhould keep the confeſſion a profound ſecret, and that, therefore, the Doctor did all he could do, when he poured forth among his flock, an exhortation to their repentance. Gentlemen, I have heard this doctrine now and then ſtated, but if it be a principle of action with the Roman Catholic prieſts, it is moſt alarming, becau e it comes to this, that an immenſe number of his Majeſty's ſubjects, are put into a ſituation in which their intentions, however miſchievous, however ſubverſive of the ſtate, can never be made known, until the miſchief be compleated. The Roman Catholics are told it is their duty to confeſs, and they do confeſs, not only that they have committed ſome atrocious acts, but that they are going to commit others ſtill more atrocious; to commit murder, to maſſacre whole multitudes in cold blood; to lay waſte their country by fire and ſword; to invite a foreign foe into, and then ſurrender their country to a foreign yoke; and all this muſt remain an impenetrable ſecret to the government who may have power to prevent it, if a lively diſcloſure takes place, becauſe the Catholic faith enjoins, that the prieſt, who has the means of diſcloſure, is bound to preſerve the ſecret inviolate. Am I to be told, that inſurrections and rebellions are to be ſubmitted to, becauſe the prieſts are bound by the rules of their faith, not to diſcloſe what comes to their knowledge, by confeſſion?—I hope not. I know this, That the Roman Catholics, in ſome of their doctrines, believe in the infallibility of council, in matters of faith, and in matters of morality;—that to omit to confeſs, is a mortal ſin, and puniſhed by eternal damnation!—that to refuſe or omit to make diſcloſure at confeſſion, of any one thing, is ſubject to the like penalty; and, I underſtand, it is the doctrine of the Roman Catholic church, that if any intention of rebellion be diſcloſed, to dethrone a *Roman Catholic Prince*, the prieſts are at liberty, by the tenets of their religion, to diſcloſe ſuch intention; but, if intended to dethrone KING GEORGE THE THIRD, it is not the underſtood duty of the Roman Catholic prieſt, to make any ſuch diſcloſure, which appears by ſome of the writings of their prieſts, ſo late as the year 1802; they ſay they are not bound by their oaths in that reſpect, while he is, what thank God he is, *a Proteſtant*, and what they call *an heretic*. But I ſay, it is the duty of *all* perſons, whether *Catholics* or *Proteſtants*, to diſcloſe and make known every thing that has for its object, the overthrow of the government under which we live, otherwiſe any plan might be concerted, and carried into execution, for overturning the government of this country, and eſtabliſhing inſtead of it, the empire of France; nothing is wanting, but that the plot ſhould be confined to *Roman Catholics*, and they may, to any number, be engaged in it; ſo do we ſee that Catholics can always readily join in rebellion againſt a Proteſtant prince, or to overturn a Proteſtant government. There was a rebellion in Ireland, in the year 1798, and the Catholics joined in it, and the prieſts defend themſelves on all theſe occaſions, of miſp ſion of treaſon, by the doctrine of their faith, for that they are not boun ſ to diſcloſe any thing they know. What the condition of the Roman Catholic prieſts is, I take from an eloquent perſon who delivered his ſentiments upon this ſubject, on the occaſion of an important diſcuſſion in another place, whoſe ſp ech I had the edification and the pleaſure to hear, which ſpeech has ſince been accurately given to the public, to whom it is a treaſure, for no man is more able or learned than its author;—I ſpeak of

Doctor

Doctor DUIGNAN; a ſpeech which was not contradicted by one of the greateſt orators of the age, (Mr. GRATTEN) who took his ſeat for the very purpoſe of oppoſing that honourable and learned member, upon that very ſubject. Doctor DUIGNAN then exhibited a faithful picture of the Roman Catholic religion, wherein he obſerved, among many other moſt intereſting topics, that if a Roman Catholic is excommunicated by his prieſt, he cannot have ſo much as a drop of water, though he be famiſhing. Under that excommunication of his prieſt, if he be dying in a ditch, he can neither have a drop of water from the puddle, nor a cruſt of bread, nor a morſel of food, neither can he have any help whatever from any Roman Catholic; there he muſt periſh, to the utter ſhock and horror of common humanity; ſo that a Roman Catholic excommunication is an utter deprivation of every thing on this ſide the grave; and not only an utter extinction of all hope beyond it, but a certainty of perdition hereafter, according to the true faith of a Roman Catholic, and the bare omiſſion to confeſs to the prieſt, will draw down this anathema upon any Roman Catholic. Thus by working on the hopes of their flock, on the one hand, by abſolution, and on their fears, by threats of eternal damnation on the other, do the prieſts become acquainted with all the Roman Catholics have done, are doing, and intend to do; ſo that they know when any rebellion is intended, or any deſign harboured, againſt the ſafety of the ſtate, and this is what the author of this pamphlet has ſtated, and it is done in language ſo fitting to the ſubject, that I cannot do better than to repeat it to you:—

"It is laid down as a fundamental principle of the Roman Catholic religion, by many general councils, particularly the fourth council of Lateran, A. D. 1215, and that of Conſtance, that an oath of allegiance cannot bind one of its ſectaries to a Proteſtant ſtate, and this principle has been frequently carried into practiſe during ſeven centuries. Doctor TROY, titular Archbiſhop of Dublin, and Mr. Francis Plowden of the Temple, have declared, the former in his paſtoral letter publiſhed in the year 1793, and the latter in a work entitled the caſe ſtated, 'that the decrees of a general council in matters of faith and morality, when approved of by the Pope, and received by the church, are abſolutely infallible, and not liable to deceit or error.' Under the ſanction of theſe councils, the Pope has frequently declared the ſubjects of an entire kingdom abſolved from their oaths of allegiance; and many ſovereign princes have loſt their lives, or their thrones, or both, in conſequence of ſuch denunciations. Of the various bulls fulminated againſt Engliſh monarchs, for the above purpoſe, I ſhall mention only that of Pius V, in which he called upon them to riſe in arms againſt Queen Elizabeth, and to depoſe her, for that, being a heretic, their oaths of allegiance to her were null and void. In his epiſtle addreſſed to the Earls of Northumberland and Weſtmoreland, after they had riſen in arms againſt her, to which they were incited by that bull, this pontiff exhorts them, 'in the Lord ſtoutly to perſevere in the laudable work of rebellion, not doubting but God would grant them aſſiſtance; and that if they ſhould chance to die, in aſſerting the Catholic faith, and the authority of the ſee of Rome, it were much better for them, with the advantage of a glorious death, to purchaſe eternal life, than by ignominiouſly living with the loſs of their ſouls, ſhamefully to obey an ungovernable woman.'

" During the dreadful rebellion which broke out in Ireland, in 1641, the Iriſh papiſts were declared, by the bull of Pope Urban VIII, to be abſolved from their oath of allegiance, and were encouraged to perſevere in the pious work of extirpating heretics; and Rinuncini, his nuncio in Ireland, denounced the terrors of excommunication againſt any perſons who ſhould adhere to their oaths. For ſome time previous to the dreadful rebellion of 1798, and until the eve of its exploſion, the Iriſh prieſts and their flocks, ſolicited the magiſtrates to tender oaths of allegiance to them, and in many caſes to increaſe its ſanctity and ſolemnity at the foot of their reſpective altars; and yet thoſe very prieſts, and their congregations, were furious and ſanguinary, as ſoon as the rebellion broke out. Not only the vulgar herd of papiſts, but many gentlemen of education made no ſcruple of violating their oaths on that occaſion. Doctor Burke, titular Biſhop of Oſſery, in a work entitled Hibernia Dominicana, and publiſhed in the year 1772, in Ireland, declared in direct terms, that an oath of allegiance to George III. is null and void, 'as long as he profeſſes an heterodox religion, or has a wife of that religion;' and to ſanction his opinion, he tells us, in the ſame work, that the Pope's legate, Ghillini, pronounced ſuch an oath to be null and void; and that the Iriſh could not renounce that tenet, 'that they were bound to depoſe and murder heretical Sovereigns.'

" He further tells us, that theſe doctrines were communicated by the legate to the four titular archbiſhops of Ireland, as a rule of faith, in four circular letters, which Doctor Burke in his Hibernia Dominicana, ſays are 'literæ vere auræ cedroque dignæ.'

" Though the ſecretaries of the Roman pontiff take, and violate with indifference an oath of allegiance, they will not venture to take the oath of ſupremacy, for reaſons which I ſhall aſſign, and, therefore, they are excluded, and very properly, from enjoying the full benefit of our conſtitution.

" The Papal ſupremacy is a fundamental article of the Romiſh Church, and to renounce it, is regarded as a mortal ſin, and an act of ſuch groſs impiety, that the perſon guilty of it, cannot get abſolution but from the Pope himſelf, and then he muſt pay dearly for it.

" The caſe of the late Lord Dunbayne affords a ſtriking inſtance of this. He was titular Biſhop of Cloyne, and, unexpectedly, getting a title, and a fortune, by deſcent, he renounced the errors of Popery, and was, for many years, apparently, a rigid Proteſtant.

" But it appeared afterwards, that his converſion was not ſincere; for finding his diſſolution approaching, he reſolved to return to the Romiſh faith, without which he thought, that he could not obtain ſalvation. But Doctor Troy, titular Archbiſhop of Dublin, informed him, that he could not receive him into the boſom of the church, without firſt applying to his holineſs the Pope; and this beſotted bigot was ſo much alarmed at laſt, that in order to propitiate him, he left an eſtate of 1000*l.* or 1200*l.* a year to the college of Maynooth, though he had ſome near relations in a ſtate of indigence. His Lordſhip's heir at law inſtituted a ſuit for recovering this eſtate, and, having filed a bill in the court of chancery, in the year 1800, to which he made father Gahan, the prieſt who adminiſtered the ſacrament to him, a party, he refuſed to anſwer it; and again he refuſed to give evidence on the ſame point, on a trial by jury, in the year 1803.

" In the courſe of this ſuit, a Popiſh barriſter pleaded as an excuſe for the prieſt's ſilence, that it was contrary to the rules of his church to anſwer;

and

and he insisted on an exemption from the jurisdiction of our courts for its members; which should alarm the government, and convince them of the danger of allowing a popish hierarchy to be erected in the bosom of a Protestant state; and yet it is said this measure is at this time in the contemplation of the British cabinet. Can it be as a reward for their loyalty?"

Now, Gentlemen, Let us see how this matter stands. It is here stated, that Doctor TROY must have known all the circumstances that preceded the 23d of July, 1803. Why? Because his flock were true to the principles of their religion. What then? Because his flock confessed, and were bound to confess, does it follow that he is bound to disclose all he knew? They say he is not. What does this author say? Is not this the argument? —That Doctor TROY, the Titulary Arch-bishop of Dublin, resident in Dublin, in which there is a conspiracy, by signal to rise into an insurrection, must have known this, that it must have been known to Doctor TROY, by the confessions of so many of the Catholics concerned in it; I really think this point so clearly made out, that if I were, any where but in this place, I should not be justified in speaking two minutes upon it; but the manner in which this confession is introduced, is extremely interesting; for the Roman Catholic priest tells his follower in the faith—"There is nothing you deceive yourself so much in, if you suppose that the Averies had at Easter will do, it is proper you should come often, with an humble spirit and contrite heart, to ask forgiveness of your God; above all, you must not commit that mortal sin, never to be pardoned, of endeavouring to deceive God, which you do, when you endeavour to deceive his minister, to whom you are making confession." Now, Gentlemen, consider the condition of the Irish rebels; it differs much from that of a man who has committed robbery or murder—the one is haunted by his own guilt, is afraid of his own shadow—the other is encouraged by numbers to proceed, and his confession gives him ease, and hopes of absolution; and the time most likely for the Roman Catholic priests to be well acquainted with the disposition of their flock, is the season when conspiracies are carried on preparatory to rebellion, because it is a single act to be accomplished by many, and therefore, the time when the Roman Catholic priests of Ireland are best informed of the views and objects of their flock is on the eve of an insurrection or rebellion, and that is the argument of the author of this letter. And then, the author proceeds to make some commentaries on the letters of my Lord FINGAL, and the Exhortation of Doctor TROY. He admits, that the Exhortation is good, but he observes, that it is a publication after the insurrection had taken place in Dublin, and he takes the liberty of asking a question. Does this go to prove the loyalty of the great body of the Roman Catholics of Ireland? and he says, as I say, that it is quite the contrary. Now, what argument arises out of the Exhortation?—The fact it is called to prove, arises out of the loyalty of the Roman Catholics of Ireland. Now, Doctor TROY himself shall be my witness. He sets about in his Exhortation to deplore the proceedings of the preceding night. Now, all people, but "his dear Christians" as he calls them, admit the want of loyalty in a great body of the Catholics; he tells them the effect of sedition and insurrection; he exhorts them to return to peace and good order; he tells them that resistance to power is a vice, and he speaks with natural horror of the preceding day; and he

adviſes them not to be deluded by the pretended benignity of France, who had more freedom when they boaſted of it leſs. Theſe are the arguments by which the loyalty of the Iriſh Catholics is ſupported;—He ſets about to correct them, by this Exhortation of his, on their want of loyalty; and yet, ſomebody, who did not deal fairly by my Lord FINGAL, (for it cannot have been done by my Lord FINGAL himſelf) ſomebody who muſt have ſtolen thoſe letters, publiſhed them, with interpretations of his own, by which this Exhortation, accuſing the Roman Catholics of Ireland with rebellion, is given as a proof of their loyalty. Thus their loyalty is attempted to be proved by a document which records their want of it.

Now it may be urged that Doctor TROY, whatever knowledge he might have of the intention of the Roman Catholics, yet he could not divulge it, conſiſtently with his own oath as a prieſt (and that the authority of the religion he profeſſes, would be done away if he diſcloſed it, and that there will be no more confeſſion if that ſhould be done. Now if A. B. confeſſed to me that he was going to commit murder on a particular individual, whom he ſhould name, and that he were to come to me the following day, to tell he had committed it. Am I to be told there will be an end of auricular confeſſion, if I were to take weapons for preventing ſuch a crime, and that I am bound, by my oath, to permit ſuch an act to be committed although I have the means of preventing it. Let us underſtand the extent to which this principle goes, that we may know what it is we have to truſt to, for although I ſhould be extremely ſorry to have any ſhade caſt upon that toleration of religious opinions, perſuaſions, and profeſſions, of whatever nature or denomination, which is ſo worthy our eſteem, yet I do hold it to be eſſential to our exiſtence, to take care that nothing be even tolerated that is abſolutely inconſiſtent with the ſafety of the ſtate; but that radically and fundamentally abhorred, diabolical, and damnable poſition that they are not to keep faith with his Majeſty, becauſe they chuſe to denominate him a *heretic*, muſt be renounced for ever; for I ſay they like all other men, who are protected by the ſtate, owe to the ſtate allegiance, and that they whoever they are, muſt on all occaſions abſtain from acts that tend to the common ruin. If I am aſked how this is to be done, I can only ſay that nothing ſhould be done, or even tolerated, that is inconſiſtent with the ſafety of the State, and that we take care of the common ſecurity, for I am perſuaded there is not one man within hearing of my voice, who will not allow that prejudices which endanger the State ſhould not be allowed as motives to be acted upon. Nor can I conceive there would have been any impropriety in any Roman Catholic prieſt having given an hint to government before the 23d of July, to have doubled the guard, the caſtle would have received the hint with kindneſs, and the caſtle is never difficult of acceſs, I ſhould think that a very uſeful communication upon ſuch occaſions might be made by Roman Catholic prieſts as well as by any other perſons, without any infringement of any oath, and this I know too, that the oath againſt miſpriſion of treaſon ought to be impreſſed on the mind of every man in his Majeſty's dominions, which is, "that I do ſolemnly ſwear that I will diſcloſe and make known to his Majeſty and his ſucceſſors, all treaſons, and traiterous conſpiracies which I ſhall know to be againſt him or any of them, ſo help me God." This oath every Roman Catholic ought to conſider as binding upon him as any oath he can take, to be faithful to his Holineſs the Pope.

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The ſubſtance then of my client's defence is this, "that in the publication of the correſpondence between my Lord FINGAL and my Lord REDESDALE, it was alledged that the exhortation of Doctor TROY, the plaintiff in this cauſe, was a proof of the loyalty of the Roman Catholics in Ireland, this my client has ventured to deny, and although I am ready to acknowledge the great talents of the noble Earl, in whoſe name that is alledged in the correſpondence, talents I admit to be greatly ſuperior to mine, but yet with all that inferiority of talent, I ſhould not be afraid of meeting his Lordſhip, and to contend that the exhortation by which the Roman Catholics are charged with rebellion, does not prove them to be loyal. The other point is, that the plaintiff muſt have known of the intention of a great number of the Roman Catholics to revolt, long before the thing happened, as is indeed manifeſt by what was ſaid by Mr EMMETT, and that therefore the plaintiff ought to have communicated that, in ſome way or other, to government, by which the whole of that horrid ſcene might have been avoided altogether, perhaps, at all events greatly mitigated. The object upon this occaſion has been to defend my client againſt the charge of being a malignant libeller of Doctor TROY.—Did he ever ſee Doctor TROY ſince he was in Ireland?—No, he did not. Did he ever hear of Doctor TROY, except from my Lord FINGAL's letter? Did he ever write any thing about him, even in this pamphlet, charged to be ſuch an atrocious libel upon Doctor TROY, except in theſe five lines. "Doctor TROY muſt have known all the circumſtances which preceded the inſurrection in Dublin, on the 23d of July, 1803, and yet he did not put government on their guard. The preſent adminiſtration are convinced of his treachery on that occaſion, and yet, for many years paſt he had been treated at the Caſtle with the utmoſt reſpect, and had even received favours for ſome perſons of his own family." But the truth *is*, as I took the liberty of ſtating in an early part of my addreſs to you, this ſubject was not brought forward with the primary view of damages to Doctor TROY, but was brought forward in this ſhape, to prepare the way for a more public diſcuſſion of the queſtion of the Catholic claim which has recently been diſcuſſed in parliament, and I agree with my learned friend Mr. ERSKINE, it was diſcuſſed with a moderation and temper which did the two branches of the Legiſlature honour. I ſubmit to you, therefore, Gentlemen, on the whole of this caſe, that the defendant publiſhed this book in the true ſpirit of argument, and if ſo, he cannot be called a libeller, and you cannot find your verdict againſt him.

I have but one topic more to add: my learned friend, Mr. ERSKINE, conſidered this not only a libel on Doctor TROY, but alſo a libel on the whole body of the Catholics of Ireland; I am ſure you recollect that expreſſion of my learned friend's, and he alluded to Mr. EMMETT's declaration—Gentlemen, you do not ſit here to puniſh my client for a libel on the whole body of the Catholics of Ireland, although as I have ſaid already, this caſe was not brought here to vindicate the character of Doctor TROY—here Doctor TROY need not be compenſated, for, here he has not been traduced, but the cauſe was brought here in July laſt, and was intended to prepare the way for another diſcuſſion, and that in parliament.

Mr ERSKINE. Do you give any of the facts, you ſtated in evidence?

Mr. GARROW You know very well I ſhall not, I only alluded to them as matter of hiſtory.

Lord

Lord ELLENBOROUGH. Gentleman of the Jury, this is an action by JOHN THOMAS TROY, titulary Archbishop of Dublin, which he brings for reparation to an injury which he states he has received by the publication, of a book entitled the *Anti-Jacobin Review*, „by representing that he was acquainted with the circumstances which preceded that dreadful outrage in Ireland, which took place on the 23d of July, 1803, when Lord KILWARDEN was destroyed, and not having put government on its guard by a timely disclosure of that fact, and that his concealment was of such a nature that government was convinced of his treachery on that occasion, that is a libel published here, and he has brought this action for the purpose of deciding whether the Libel has been so published, and what reparation he is entitled to have.

Gentlemen, I cannot find fault with Doctor TROY for bringing his action here. The publication of which he complains took place here, and the propriety of his coming here cannot, I think, be doubted, because in a country recently agitated by dispute and even rebellion, where "wounds of deadly hate have pierced so deep," where one party are of the Protestant, the other of the Roman Catholic persuasion, we could not expect so impartial a trial as here, where no recollection of lost friends, or other passions which agitated men's minds and affected their feelings as they did in Ireland, can have any influence here: the plaintiff has, therefore, brought his action here, and I think he has done well in bringing his action here; he has brought it for damages for a libel, not to subject the party to punishment by criminal proceeding, but to make reparation as for a civil injury, in which he has given the party an opportunity of justifying and making out the truth of the charge, if it be true, for the bulk of the charge in a civil action is a defence, which it is not in the case of an indictment for a libel, therefore I do think that both with respect to the place where, and the mode whereby he submits his case for consideration, he has acted fairly. In the first place he is sure to have it tried with purity, by purity I mean exemption from prejudice, for no doubt there is purity in the administration of justice in Ireland as well as in this country; when I say purity, I speak with reference to the absence of local prejudice.

Having brought his action here, and the defendant not having justified the truth of the paper complained of by Doctor TROY, it is to be considered as a libel not to be justified, whether under all the circumstances it is to be considered as slanderous or not, is for your consideration.

Gentlemen, it is certainly very true, as contended for with great force and effect by the learned gentleman who is of counsel for the defendant, that the purpose for which it is published is extremely material—whether the purpose be to calumniate Doctor TROY, or only brought in by the discussion of the conduct of the Roman Catholics with reference to the Protestant government? and the discussion, if carried on with moderation, on the subject of government, is very allowable in a great deal of it, and the fair scope of that discussion is a sort of polemical controversy between two noblemen whose names are mentioned, the one a noble Earl and the other a noble Lord and Chancellor of Ireland, and if in the course of what has been published the defendant has unfortunately tript, and stated that which is injurious to the plaintiff, he certainly is responsible to him in this action. Then the question would be, considering all the circumstances of the case, what would be fair and temperate damages; I say fair and temperate, for one would like very much to be temperate and moderate, if it appears that

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he has only tript upon an improper expreſſion, and ſaid of Doctor TROY that which he ought not to have ſaid; if in what he ſaid there ſhould appear to be no evil deſign, or perhaps it be meritorious, yet the perſon to whom the publication is injurious, has a right to aſk for redreſs. The publication has been proved, and the whole of it has been read to you, in order that the whole of the context might be explained. I will ſtate the material part to you, which from the nature of the evidence is neceſſarily reduced to a few lines. The defendant ſays, in this publication, that Doctor TROY muſt have known all the circumſtances which preceded the inſurrection which took place in Dublin on the 23d of July, 1803, and that he did not inform government.

"Muſt have known," without imputing any criminal motive for his conduct, I ſhould have thought the action not maintainable, becauſe it appears to me only equivalent to "might have known," which is nothing criminal, becauſe I might have known as well as him. Does he mean to impute to the plaintiff that he conducted himſelf like a good ſubject; ſo that he was guilty of criminal negligence towards his country? That he muſt have known all the circumſtances previous to the inſurrection might mean, "practically innocent," if he meant that the plaintiff did not know the circumſtances, he could not put government on its guard. The queſtion here is, whether he did not take upon himſelf, in terms, to aver that he did know—then come the words, "For the preſent adminiſtration are convinced of his treachery." "On that occaſion his conduct was ſuch that it worked on government a perſuaſion of his treachery." It is for you to ſay, whether you underſtand this as imputing to this gentleman that he had foreſeen this inſurrection, namely, that he had an actual knowledge preceding the rebellion, of circumſtances which indicated that a rebellion was to take place, and that he withheld from government, treacherouſly, the information.

I do not think it is to the purpoſe to aſcertain whether there was blame or even merit in the general motive, if there was an object to impute treachery to the plaintiff, for I do not decide on the general motive; if you are of opinion that the defendant meant to impute to the plaintiff actual knowledge and actual concealment, and an actually treacherous purpoſe, the defendant will come within the ſcourge of the law, by doing that which he is unauthorized to do, with the character of Doctor Troy; then the only queſtion will be the quantum of damages which Doctor TROY has a right to receive at the hands of the defendant.—I have no doubt that the object of Doctor TROY is the purgation of his character, and to do away the foul ſtigma of ſuſpicion; and while he was obnoxious to that ſuſpicion, I own, I think that Doctor TROY has done commendably in bringing this action, with a view of giving the defendant an opportunity to come forwards to verify the fact, he has brought this civil action.—Nobody has come forward to verify the fact, he knew the danger certainly, and no event of this day has furniſhed any proof, before us, injurious to Doctor TROY, he ſtands completely exculpated, but it is for you to ſay what reparation ſhould follow.—It does not appear in evidence that this publication was in Ireland, but here—I can hardly give you any line to guide you. If the proceeding were *criminal*, there are many points that would go to *mitigate* the ſentence of the Judges.

To the extent you think this gentleman has been injured you will make a moderate compenſation, you will give ſuch an amount in damages as may be neceſſary to vindicate the honour of this gentleman, as any one of you would

would wiſh to go out of Court if attacked; further than that which may be ſufficient to prevent any further imputation upon him, I think you ought not to go, conſidering the nature and ſtate of this publication.——Verdict for the Plaintiff, damages FIFTY POUNDS.

In the cauſe of TROY *v.* HALES, for the ſame Libel, Mr. ERSKINE ſignified that the Plaintiff would be ſatisfied with nominal Damages and his Coſts. A verdict of ONE SHILLING was given accordingly.

N B. The obſervations intended to be prefixed to this trial, are of neceſſity poſtponed to our next number, from the great length of the trial itſelf.

MISCELLANEOUS.

A Statement of notorious Abuses continued.

BRIEFS.

TO THE EDITOR.

SIR,

THE caſe of Briefs is, in the preſent day, become ſo notoriouſly bad, that, without the healing hand of parliament, they will ceaſe to be productive. Various letters have been written on the ſubject in various periodical publications, and for any thing that can be conjectured, they ſeem to have created little attention; and no member of either houſe has had the courage to attempt reformation. Mr. Nares, a little time ago, ſent out a circular admonitory letter, ſeemingly imputing the barrenneſs of them to the careleſſneſs of miniſters and churchwardens. In this reſpect, he was much miſtaken. A perſuaſion prevails, that the claimants do not receive what they ought, and that the oaths of credible workmen are not to be attended to. With reſpect to the expences attendant upon every brief, Dr. Burn has given us a ſtatement which has never been yet, to my knowledge, contradicted. Though this has been copied by others, it will not take much time to give the abſtract.

Patent charges - - -	76	3	6	Collected on 9906 briefs	614	12	9
Salary for 9986 briefs, at 6d each - - - - -	249	13	0	Charges - - - - -	330	16	6
Additional ſalary for London - - - - - -	5	11	0	Clear Collection - - -	283	16	6
The whole charges - -	330	16	6				

Which is little more than 9s. in the pound, and as a rumour prevails that in Church briefs the Collectors take 4d. each, even then the defalcation is erroneous.

At this very time there is a third brief in circulation for Adderley Church in Shropſhire; and if a judgment may be formed of the probable ſucceſs of the third, from the ſucceſs of the other two, the public will have contributed near a thouſand pounds towards obtaining four or five hundred for the pariſh. I could mention a brief which did not produce clear the ſum of fifty pounds, and I have cauſe to know that even briefs for fires and inundations are not now ſo productive as they formerly were, when the collectors were ready to advance

advance a certain ſum for the immediate relief and accommodation of the ſufferers, upon the certainty of being reimburſed.

Why, let me aſk, ſhould the *charity* of the kingdom be taxed at all? The clergy and churchwardens of every pariſh would cheerfully and gratuitouſly remit all the ſums collected to a common receiver, who, by giving proper ſecurity, would become fully reſponſible, and who might act under truſtees duly appointed.

A queſtion ſtill ariſes in what way the ſtatements of loſſes ſuſtained and expences to be incurred ſhall be made, that the public may give full credit to them. That there is and has been much deception in the preſent mode, may be eaſily proved. Sums have been ſworn to which no candour of conſtruction could admit, and perjury can never be thought of without horror. If *part* of a houſe has been ſet on fire, the ſufferer has been told that he or his neighbour might ſwear to the whole, and all that is in it. If a church was partially to be repaired or rebuilt, a builder is at hand to bring forward a plan of greater extent than is wanted, and then it is thought that he is not perjured, becauſe were that plan executed, the ſum wanted would be what he ſwears to. If the Public be impoſed upon, let us feel a juſt abhorrence of ſuch trick and evaſion. Were we to point out inſtances, and every clergyman of obſervation and experience is able to do that, the reſult would be ſhocking. The ſanctity of the places wherein briefs are read, adds to our abhorrence of the falſehoods they ſo often contain. By the way, it is not hereby meant that due allowance ſhould be withholden from the ſufferers, for the temporary inconveniences they undergo, as well as for the reparations they ſtand in need of. But let not ſelfiſhneſs, let not falſe candour, or the partiality of friendſhip, exaggerate ſuch inconveniences. And in order to put a check upon extravagant eſtimates, with all the melancholy conſequences, I would recommend that in a new Act, after aboliſhing the preſent ſyſtem altogether, it ſhould be required to call in two clergymen and two laymen, magiſtrates all of them, or deputy-lieutenants, poſſeſſing no property or intereſt in the pariſhes to which they ſhould be ſummoned, who, together with the aid and advice of workmen, ſhall ſtate, upon oath, thoſe ſums which they in their conſciences believe to be requiſite for the indemnification of ſufferers, in caſe of accidents, and for the reparation, and, if need be, for the enlargement of churches, in caſes of decay or increaſing population. It would alſo be right in theſe laſt caſes to diſcriminate between thoſe pariſhes which have been negligent and ſuch as are unfortunate. The neglect of parochial viſitations is attended with very bad conſequences, but in diſtricts wherein they have been holden, the improvements have been important. Were the credit of briefs fully eſtabliſhed, it is not extravagant to ſuppoſe that thirty thouſand pounds would be collected annually, which, in round numbers, is only allowing nine pounds for each pariſh. The erection of new places of worſhip, and eſpecially of free churches, would thus become eaſy and more general. They are wanted in the metropolis itſelf, and in almoſt all populous towns in the kingdom. If the whole expence of ſuch edifices could not be defrayed from ſuch a ſource, yet even a donation of one thouſand pounds would powerfully aid the generoſity of individuals. The practice of going from houſe to houſe, would, in caſes of deep diſtreſs, be attended with ſucceſs, but at preſent it is totally diſcontinued, and for one reaſon, amongſt others, that it is required without juſt cauſe and due conſideration. Indeed, in populous places it would be an Herculean labour; whereas in churches the poor man's

man's mite freely given, would, from numbers, much increaſe the aggregate ſum. The average number of briefs iſſued every year ſeems to be twelve. If a new plan ſhould be adopted, inſtead of filling the briefs themſelves with a farrago which no clergyman reads, and no audience would attend to if it were read, I would recommend a ſtatement of the ſums which each pariſh, or each individual, claiming relief, ſhall have received the former year. The firſt year, of courſe, would leave a blank, but immediately after the act paſſes, ſuch a clauſe may be inſerted as may ſatisfy the public that what is given will be received, without any defalcation beyond what neceſſity dictates. The effect might not take place at the firſt moment, but the clergy would feel a ſatisfaction in adding their teſtimony to the reaſonableneſs of all the claims and the propriety of the new ſtatute. Till the wiſhed-for reformation take place, there is little neceſſity of attempting to diſſuade men from giving, for they perhaps believe more than is true of the loſs ſuſtained by Petitioners, from the preſent expenſive mode of collection.

If no other method could be found, the Receivers of the Land Tax in each county would engage to collect at ſixpence in the pound, or two and a half per cent.; and the briefs might be read, one in each month, ſtating fairly the ſums wanted, but ſubject to ſome reviſion before a final diſtribution.

The ſentiments which I have delivered on this ſubject are delivered with more confidence, becauſe they have the ſanction of facts and experience, and alſo of many good and wiſe men, both clergy and laity. I therefore hope and truſt that they will not be treated as the reveries of a viſionary projector, or the ſuggeſtions of moroſeneſs and diſcontent.

I am, Sir, your humble ſervant,

EUBULUS.

POETRY.

TO THE EDITOR.

SIR,

THE ſight of ſeveral pieces of fugitive poetry in your numbers of late, and particularly that for April, have induced me to take the liberty of ſending the following trifle, the honour of inſertion will be eſteemed highly, by your true admirer both in principles civil and religious,

ANTI-MISO-ANTI-JACOBIN.

THE SEABOY.

High on the giddy bending maſt,
While tempeſt roar around;
Poor Jack regardleſs of the blaſt,
Lies wrapt in ſleep profound.

In vain the rolling thunder peals,
And vivid light'nings glare;
Not all the ſtorm the Seaboy feels,
Not all its horrors ſcare.

With daily dangerous toil o'ercome,
A ropy coil his pillow;
The wind-rock'd ſeaboy dreams of home,
Nor hears the the riſing billow.

Unſhielded

Unſhielded from the midnight air
He dreams of abſent friends,
To heaven for them full many a pray'r,
Full many a bleſſing ſends.

In ſleep ſome dear lov'd father greets,
Or tender mother claſps,
For them alas! ſome cable meets
Or rocking mainmaſt graſps.

The ſtorm ſubſides, the morning breaks,
While Jack his dream enjoys;
The hallowing boatſwain's call awakes:
The ſweet illuſion flies.

Rous'd quickly from his ropy bed,
The dreaming ſcene is gone;
His father, mother, home are fled,
Poor Jack laments alone.

Again his daily toil employs,
He whiſtling turns the ſail;
Again, at night, his dream enjoys,
Rock'd nightly by the gale.

WE have known people in a former adminiſtration, ridiculouſly tenacious of the attention to be paid them, which ſuggeſted the following haſty trifle:—

Times paſt have ſeen people in adminiſtration,
With *ſome* ſhare of merit and great oſtentation;
Who are highly offended, whene'er you addreſs 'em,
Or e'en mention their names to a perſon, God bleſs 'em;
Without following cloſe, almoſt ev'ry word,
With 'his worſhip,' 'your honour,' 'his grace,' or 'my lord;'
As the great Marſhall Villars was paſſing alone,
He heard once an officer, heedleſs and young;
Calling out to a friend, "I'll be with you at nine,
"For, at four, I'm invited with Villars to dine;"
Stepping up to him quickly, "Good Captain," he cries,
"You have caus'd me, I own it, a little ſurpriſe;
"Without Gen'ral or Marſhall, to mention my name,
"When ſuch titles from rank in the army I claim;"
"Did the Romans then" cried the youth, "Pray, Sir, enquire,
"For Duke Cæſar, or call for Marc. Brutus, Eſquire;
"And e'en now who'd but laugh, ſhould an Engliſhman ſpeak, Sir,
"Of Lord Cato, or Monſieur Achilles the Greek, Sir?"

THE TWO FOXES.

TWO Foxes in one country grew,
Who now ſuch diff'rent plans purſue,
With diſpoſitions ſo unlike,
The contraſt cannot fail to ſtrike.
One Fox defends his native land,
An Emp'ror graſps him by the hand.

While

While t'other undermines the ſtate;
An Emp'reſs hugs his recreant pate;
Now doats upon the darling buſt,
Then ſpurns it from her with diſguſt.
Whence comes ſuch diff'rence 'twixt the two?—
—The head was falſe, the hand was true.
One Fox his ſword in juſtice draws,
And weilds it in his country's cauſe.
While t'other draws his venal tongue,
And always to his country's wrong.
When out, he labours to pull down
The Miniſter—when in, the Crown.
One Fox our properties defends,
And honour on his ſteps attends.
T'other with mendicant devices
Our money from our fobs entices;
And unreſtrain'd by honeſt qualms,
Lets out his rhet'ric for an alms.
One Fox amidſt the deſp'rate ſtriſe,
Of rattling cannon, ſtakes his life.
T'other prefers the dice's rattle,
And only with his tongue gives battle;
Then at dear hazard ſtakes the gains,
And fruits, of proſtituted brains.
One Fox purſues the gen'rous plan
And combats both for God and man.
T'other of factious bands the leader,
For miſchiefs is a willing pleader:
His eloquence ſuch crimes can varniſh,
As e'en a Nero's reign would tarniſh;
For Jacobins he loves, yet wars
His tender pitying ſoul abhors.
Whom loves he elſe?—preciſely thoſe
Who chance to be his country's foes,
Ruſſia, America, Myſore;
But home-conſpirators ſtill more;
And filling priſons, he'll be ſworn,
In *England* ought not to be born.
As for religion this can never
Affect a man ſo vaſtly clever;
For could it better his condition?
What's goodneſs to a politician;
Thus of two Foxes ends my ſtory;
And if you wiſh for England's glory,
Let one Fox wear the victor's crown
And as for t'other—HUNT HIM DOWN.

How much has the principal hero of this little piece exceeded his former exploits since it was writen! For it will easily be ſeen that it was written in the spring of 1794, when the Emperor was in the Netherlands, and took the martial Fox by the hand after a gallant action and while money was collecting to ſettle a penſion, as a retaining-fee, on the politic Fox.